

HEARING STREAM 2 – Day 4 – Parts 1-3

**Greater Wellington Regional Council**

**HEARING STREAM 2**

**Day 4**

**Ecosystem Health and Water Quality Policies**

Date: Thursday 10th of April 2025

Time: 8.45am

Hearing Stream: Two

Venue: Naumi Hotel, Wellington

Hearing Panel: Dhilum Nightingale (Chair)  
Sharon McGarry (Deputy Chair)  
Gillian Wratt  
Sarah Stevenson  
Puawai Kake

---

**[Hearing Stream 2 – Day 4 – Part 1]**

- 1 Ruddock: *Whakataka te hau ki te uru,*
- 2 *Whakataka te hau ki te tonga.*
- 3 *Kia m ākinakina ki uta,*
- 4 *Kia m ātaratara ki tai.*
- 5 *E h ī ake ana te atakura.*
- 6 *He tio, he huka, he hauh.*
- 7 *Haumi e, hui e! TĀIKI E!*
- 8
- 9 Kia ora koutou. Welcome to Day Four of Hearing Stream Two. Today we are
- 10 located at Naumi Hotel. I am just going to read some important safety
- 11 information for those who are attending in person.
- 12
- 13 In the event of any alarms going off each room has an evacuation exit as is
- 14 marked by the red arrows on my piece of paper. Razzle and dazzle – if you could
- 15 exit through the open doors, down the stairs and straight out through the café
- 16 entrance. Follow the exits onto Victoria University campus grounds.
- 17
- 18 If you are in the boardroom head through the carpark exit which is straight out
- 19 of the boardroom to the hallway and then to the right. Guests should not wait or
- 20 leave any belongings behind and exit in an orderly fashion. Please follow any

21 instructions provided by the wardens in fluorescent coats. Do not enter until  
 22 given the okay by the head warden.  
 23  
 24 For facilities bathrooms are located down the hallway to the right. Once you hit  
 25 the area with the big stone sink then the bathrooms are just left of that.  
 26  
 27 For those who are joining online and needing to connect to Wi-Fi the Wi-Fi to  
 28 connect to is Naumi Conference and the password is 'noboringmeeting' which  
 29 is just on our main slide here.  
 30  
 31 Thank you so much. Nga mihi. I will pass over to Commissioner Nightingale.  
 32  
 33 Chair: Thanks very much Mr Ruddock.  
 34  
 35 Tēnā koutou katoa. Welcome everyone to Day 4 of Hearing Stream 2. This  
 36 morning and through until the lunch break, we have the final presentations from  
 37 the reporting officer Ms O'Callahan and Council experts, and then we start with  
 38 hearing submitters after the lunch break.  
 39  
 40 I don't think there were, Ms O'Callahan, any matters rising from yesterday, or  
 41 is there anything you wish to talk to us about before we begin?  
 42  
 43 O'Callahan: Good morning, Commissioners. I have done a couple of wording updates from  
 44 the discussion over the last couple of days if you're wishing to get into those, or  
 45 I can table them later on. I was printing them this morning on my very slow  
 46 printer at my office. I've got three collated copies, and I've got a pile that I need  
 47 to staple. I'm happy to talk to them if you're happy to share in the meantime,  
 48 otherwise we can do it at the end of the presentation.  
 49  
 50 Chair: Do they relate to the provisions that we are looking at with you this morning?  
 51  
 52 O'Callahan: No, they're matters that we've discussed over the last couple of days.  
 53  
 54 Chair: That's fine, we can probably have a look at them over the lunch break before  
 55 submitters start.  
 56  
 57 We will pass over to you Ms O'Callahan, thank you very much. We are up to  
 58 Issues 14 and 15.  
 59  
 60 Ms Manahara any issues? No.  
 61  
 62 Admin: Can we please put up the scientist slides. Ms O'Callahan if you could just  
 63 indicate which slide you would like to start on. The clicker is here when you get  
 64 going.  
 65  
 66 O'Callahan: It's around Slide 82. We're up to Issue 14 from the officer's report.  
 67 [00.25.00]  
 68 This is the only recommendation made in terms of amendments to the plan for  
 69 this topic, is to correct some mapping of the area around the commercial port  
 70 area and the wharves. It's just boundaries between freshwater management units  
 71 and coastal management units. The lines have been drawn around the exterior  
 72 of the jetties or the wharves when they should be the boundary between the

coastal marine area and that land side. So that's a minor issue. That's the only change there.

I can move onto the next issue.

The next issue is the various submissions of provisions of the operative plan that are proposed to be made not applicable within these Whaitua. I address a range of these in the s42a report and there is just one that I have confirmed should remain relevant to these activities occurring in these Whaitua, and that's .02 which is the general objective that talks about the importance and contribution of the air, land, water and ecosystems to our social, economic and cultural wellbeing in health and people in the community.

Were there any questions on any other not applicable? I think I've got a big table in my evidence on that – in my s42A. It's Table 3 and that goes from page 95 through to 101. Otherwise, I will move on.

[00.30.00]

Chair: Objective O19, you're not recommending a note go on to the end of that, like with Objective O18? There were some submitters that sought some relief around O19. I just want to understand that.

O'Callahan: The main relief as I understood it, sought here, was Forest & Bird sought that the water quality parameters from the Table 3.4 remain relevant within the Whaitua.

There's submissions where WIAL thought if they don't get the other parts of their relief, they would want that to remain in place. Wellington Water seeks similar relief to WIAL.

That's the end of the submissions that I'm seeing for that one.

There are few submissions where it appears that people are confused whether the objective is intended to be applied, because the way it was portrayed in the plan change they were the first provisions that people could read, and so many just submitted in support of it because they liked the objective and it wasn't really clear whether they were submitting to support the objective and retaining it, or support the removal of it.

Chair: Objective O19 continues to apply to the two Whaitua?

O'Callahan: No.

Chair: It's removed? Okay.

O'Callahan: Not applying. Plan Change 1 is the direct replacement of the content in both this objective and the one on human health which is O18.

Chair: Just on page 11 of PC1, just that table, so O19 should be included in that table? Sorry, that was what was confusing me. It's a list of provisions that will no longer apply to the Whaitua.

O'Callahan: What page is that?

125 Chair: Page-11 of PC1.  
 126  
 127 Wratt: In the PC1, page-15 it says, “Objective O19 does not apply to rivers, lakes,  
 128 ground water or coastal water within the Whaitua.” But then it says, “It only  
 129 applies to natural wetlands within the Whaitua, Te Whanganui-a-Tara and Te  
 130 Awarua-o-Porirua.”  
 131  
 132 O'Callahan: That's right.  
 133  
 134 Wratt: That's the note at the bottom of it.  
 135  
 136 O'Callahan: I think page-11 is a bit confusing because [nil audio 33.48] in the document. It  
 137 would have been better if they were all able to have a simple icon, but obviously  
 138 there were some nuances with some of them and the PC1 doesn't cover wetlands.  
 139  
 140 So whether it's written or an icon, the effect is the same – just as far as it goes.  
 141 In time I would imagine when the Council completes all of the Whaitua plan  
 142 changes these provisions will come out of the plan completely.  
 143 [00.35.08]  
 144 Kake: I suppose we've touched on this a bit before already with respect to objectives  
 145 WH.01 and P.01 I suppose, trying to supplement what is going to be removed  
 146 under Objective 19 and 18.  
 147  
 148 I think this is where there's a bit confusion just with respect to the schedules and  
 149 then understanding I think through discussions hopefully today or tomorrow as  
 150 we go through the process, those provisions will be reflected in the Whaitua  
 151 objectives as we go through in the policies.  
 152  
 153 O'Callahan: I can give an update on that issue. Are you talking about when we had discussion  
 154 yesterday about Schedule C?  
 155  
 156 Kake: Yes.  
 157  
 158 O'Callahan: I've thought about it further and in terms of this plan change previously it was  
 159 trying to prioritise some improvement for Schedule C. That doesn't sit neatly  
 160 alongside target attribute state based on part FMUs process which the NPS  
 161 requires.  
 162  
 163 That's my understanding of why they aren't continued to be referenced in Plan  
 164 Change 1. That's not to say in respect of a consent application the way in which  
 165 I've approached consent applications, and I understand they are approached by  
 166 the Regional Council, is if you've got your application and you're in a certain  
 167 area then you first of all identify which scheduled sciences applies within your  
 168 area; and the you're being directed by policies and rules that relate to those areas.  
 169  
 170 That will continue and there is an objective. Generally the objectives don't refer  
 171 to the schedules and I think that was the original approach in terms of the  
 172 drafting. I appreciate there is a reference to them in Objective 19 or is it 18 – I'm  
 173 sorry I can't remember.  
 174  
 175 Kake: I think it's 18.  
 176

- 177 O'Callahan: Eighteen, yes. There's a reference to them in respect of the provision that deals  
178 with the human health aspects in O18.  
179  
180 That changes and in my view that's really replaced by the primary contact sites  
181 in the rivers, which is in Te Whanganui-a-Tara and the coastal enterococci table.  
182 Those have been brought down to site level.  
183  
184 Whether that's right or wrong from a mana whenua perspective is a matter for  
185 mana whenua to advise the Panel on. But, the idea is that previously the priorities  
186 were what was listed in coastal water sites within those schedules and some of  
187 those Schedule C areas are not necessarily... some of them are about former pā  
188 sites for example, is one of the ones I'm familiar with, and they're not  
189 necessarily related to current primary contact use; but that's not to say they're  
190 not relevant in terms of values.  
191  
192 Anyway, we've got the primary contact site and we've got the bathing site now  
193 with the revisions to Table 8.1A and 9.1A.  
194 [00.40.05]  
195 The objective that does remain which references significant sites is... sorry, I  
196 might have to come back to you. I think it's Objective O.12. So (d) is about  
197 protecting sites with significant mana whenua values from use and development.  
198  
199 Chair: And, O12 continues [41.53].  
200  
201 O'Callahan: That's right. When you come to assess E.coli and perhaps in consent processes  
202 obviously there's references to Schedule C and so forth in the policies, rules and  
203 schedules that talk about that. They are picked up.  
204  
205 It's the move from the previous way in which this plan dealt with it, which was  
206 no based on the NPS to the way in which it is now proposed, which is aligning  
207 with the NOF process and the NPS.  
208  
209 Wratt: Can I just for my head clarify? Schedule C remains and is part of the operative  
210 NRP, so it remains there as a base?  
211  
212 O'Callahan: Yes.  
213  
214 Wratt: So it's just not referred to in the same way in PC1 in terms of the provisions  
215 associated with addressing the NPS-FM that it was in some of the previous  
216 operative plan. Is that the essence of what I am discerning?  
217 O'Callahan: That's right, yes.  
218  
219 Wratt: Thank you.  
220  
221 Kake: If I can just jump in there quickly. I suppose the important matter for us to  
222 understand as a panel is the objectives that are in these Whaitua and the target  
223 attribute states won't necessarily need to be assessed in terms of cultural values,  
224 because the TA tables don't have the trigger that's currently provided for under  
225 Table 3.4. So the Māori customary use and mahinga kai attribute that was in  
226 there, which I believe is the essence of the submissions from Forest & Bird that  
227 hasn't transferred over into the target attribute states because it's different. There

228 is no scientific evidence – that’s my understanding of the discussions that have  
 229 been had to date.

230

231 O’Callahan: There are no target attribute states described in the NPS Freshwater, or mahinga  
 232 kai or customary use.

233 [00.45.00]

234 That didn’t come through the WIP recommendations either. So there is ability to  
 235 have targets that are not mandatory or specified in the WIP, and just to be clear,  
 236 this plan change has those. The metal targets are not NPS mandatory or  
 237 suggested... sorry, the NPS has two types of target attribute states; they have  
 238 target attribute states that are the 2A ones which have to have limits as rules to  
 239 meet them. And, then they have the other ones which also need to be considered,  
 240 but they are able to be tackled with action planning.

241

242 So, the mahinga kai and the matters that Forest & Bird have been asked for are  
 243 not aligned with the NPS Freshwater as I understand it.

244

245 Kake: The genesis of those target attribute states has come from the WIPs. There’s been  
 246 involvement from mana whenua in the WIPs. There’s also been another  
 247 significant document created from mana whenua with respect to Te Mahere Wai  
 248 which has a number of recommendations which we can discuss again this  
 249 afternoon with mana whenua.

250

251 I suppose just in terms of my understanding and clarification, I’d like to be  
 252 satisfied I suppose that Te Mahere Wai has also been used in the same instance  
 253 as the WIP programmes with those recommendations.

254

255 O’Callahan: Look, I don’t think I can comment on that. I wasn’t involved in preparing the  
 256 objectives and interpreting the WIPs or Te Mahere Wai into the plan change. I  
 257 also haven’t responded or looked into it because I haven’t had submissions from  
 258 mana whenua that really require me to go into that. My responsibility is in  
 259 relation to... well, maybe a little bit lightweight but that was in response to a  
 260 submission from Forest & Bird and EDS. Had it come from mana whenua then  
 261 I might have needed to look into it a bit more.

262 Kake: Thank you. I think we’ll pick up the discussion this afternoon with mana whenua.  
 263 Hopefully they’ll be here.

264

265 Chair: Just looking at the description in the NPS-FM Appendix 1A for mahinga kai, it  
 266 starts by saying “Kai is safe to harvest and eat.” As I understand it the TAS and  
 267 the coastal objectives if they are reached, and I’m not sure in terms of the  
 268 timeframes, because I think you’re now recommending that they vary in places  
 269 for E.coli and enterococci but the objective is that kai will be safe to harvest and  
 270 eat.

271

272 O’Callahan: The plan change will definitely provide for better environments for them to  
 273 establish themselves, as in the plants and the fauna. They will also make the  
 274 water safer, but I’m sitting here next to a scientist that will tell me that the science  
 275 will never say that this is safe. Others might have a different view on that. I  
 276 probably need to be aware of what the scientist will say about whether things  
 277 are safe, for both swimming; all you can do is reduce that risk is what I  
 278 understand from a scientific perspective. That doesn’t mean that they won’t be  
 279 in a much better state – both abundance and safety from just a real kind of

280 practical sense of whether someone is happy to... we take risks every day in our  
 281 lives don't we, and that's normal.

282 [00.50.08]  
 283 Chair: Thank you very much Ms O'Callahan. I think we are up to your second s42A  
 284 report.

285  
 286 Wratt: I have one question before we move on in relation to Map 77 and also the  
 287 connections between the maps and the PC1 and the online map. There are a  
 288 number of submissions around wanting to see more detail in the pdf maps in  
 289 PC1, and I think the response was that details provided by the online maps on  
 290 the Council site; but there was also Map 77 which is 'Habitats of Nationally  
 291 Threatened Freshwater Species' and you've commented that Transpower and  
 292 Ara Poutama had asked for the riverine environments map to reflect habitat  
 293 extents described in Schedule F1, and you commented that a review of Map 77  
 294 by the Council has been requested – at the time of writing it's not been  
 295 completed.

296  
 297 O'Callahan: I've addressed that in my rebuttal. Essentially when they go into the GIS you can  
 298 see a river extent shown I think from part of the airport, which doesn't exist –  
 299 it's presumably piped, at the prison, at Arohata. It's just a factor of the data  
 300 limitations and the Council doesn't hold real life data for that at that kind of  
 301 scale. That can't be fixed.

302  
 303 I explain in my rebuttal the way in which the provisions apply. Page-6 I explain  
 304 that there's no rules – this is on page-6 of my rebuttal statement, if you want to  
 305 find that. No rules in PC1 that reference Map 77 but there's rules that refer to  
 306 Schedule F1. Schedule F1 is also referenced in rules to the NRP. So it's not  
 307 spatially accurate to the land parcel level and the Council doesn't want to start  
 308 trying to do that in response to submissions, because then it just creates  
 309 uncertainty as to what the data limitations are.

310  
 311 We understand it's not physically located in the land in question, in which case,  
 312 if that's the case, Schedule 1 won't apply because it has to be a river environment  
 313 to apply.

314  
 315 The plan users just need to assume that the online GIS maps are indicative and  
 316 that's not able to be changed through this. In my opinion that's not able to be  
 317 changed.

318  
 319 Wratt: Thank you.

320  
 321 Chair: Ms O'Callahan, that's also your response to the airport's submission as well?  
 322

323 O'Callahan: That's right. That's the same mapping data.

324  
 325 Chair: Quite pleased that there aren't rivers running underneath the airport runway.  
 326  
 327 Are we up to the ecosystem health?  
 328

329 O'Callahan: Sure. This is not the right version of this presentation I don't think, but I will  
 330 carry on.  
 331



332 I think you've probably got the right version in your slides, not on paper. Have  
 333 you got a paper version?  
 334  
 335 Chair: It's quite hard to read.  
 336 [00.55.00]  
 337 What's on the screen looks different.  
 338  
 339 O'Callahan: I don't know how to fix that. I'm happy to talk to it. There's just some unfinished  
 340 slides here.  
 341  
 342 We're now going to have a chat about the ecosystem health and water quality  
 343 policies. I'll just first of all start by confirming the submission numbers, which  
 344 I've got there on the screen. That is correct – 190 and 311 further submissions.  
 345  
 346 The next slide just sets out the breakdown to the freshwater planning process  
 347 versus the Part 1 Schedule 1 process. The uncompleted slide here, which I will  
 348 talk to – so what's contained in these policies is they're both similar policy  
 349 across both Whaitua. There's an overall ecosystem health policy which seeks  
 350 improvement. There's a policy which summarises how key activities are  
 351 managed in PC1 – that's in Policy 2 in each chapter. There's a policy setting out  
 352 sediment load reductions for freshwater where objectives require an  
 353 improvement to the visual clarity test in Te Whanganui-a-Tara. And, for Porirua  
 354 there is policy that sets out for I think one part FMU where the sediment load  
 355 reductions meet the freshwater targets and the notified version of policy P.4 had  
 356 sediment and metal load reductions to meet the coastal sedimentation rate  
 357 objectives for the harbour.  
 358  
 359 You have heard some evidence already from the science time on those sediment  
 360 load reductions, so probably don't need to spend a lot of time on them. But, the  
 361 first issue is the categorisation of the provisions to the freshwater planning  
 362 process and no changes were recommended in relation to that. That was Issue 1.  
 363  
 364 Coming onto Issue 2 is policy WH.P1 and P.1. I have set out there the key  
 365 changes that are recommended to these policies. It's an amendment to the  
 366 chapeaux of the policy to direct improvement where deteriorated. Previously it  
 367 just required improvement everywhere, which we have talked about before is  
 368 not the philosophy of the NPS or the intended philosophy of the plan change  
 369 accordingly.  
 370  
 371 The next one there was some concern about the language in (d) which was about  
 372 coordinating and prioritising work programmes for catchments that require  
 373 changes to land use activities.  
 374  
 375 There was submissions seeking clarification on that and so I have redrafted that  
 376 to make it clear that those non-regulatory methods are going to be developed  
 377 through the freshwater action plans which the plan for those plans is set out in  
 378 the methods, which are listed there in my edits and read in Appendix 2.  
 379 [01.00.00]  
 380 Then through submitter evidence there was as suggestion of a drafting addition  
 381 to require maintenance of aquatic ecosystem health where this is healthy. So  
 382 that's been added, which is the blue text on that slide.  
 383



384 I will probably just pause there and see if there's any questions on those first  
 385 bits.  
 386  
 387 Wratt: There was Forest & Bird and EDS I think wanted an addition to clause (b) of  
 388 natural form and character. You responded I think that, that was already covered  
 389 in policies 23 and 24 in the operative plan.  
 390  
 391 O'Callahan: Yes.  
 392  
 393 Wratt: Policies and 23 and 24 talk about identification of outstanding high natural  
 394 character and natural features and preserving natural character, but they don't  
 395 actually talk about restoring, which is a different concept.  
 396  
 397 O'Callahan: What paragraph number was it?  
 398  
 399 Wratt: Forty-seven is your paragraph.  
 400  
 401 O'Callahan: I think what I'm saying there isn't that those P23 and P24 cover what they're  
 402 seeing as restoration; I'm saying that restoration of natural character is not  
 403 appropriate. It's not what PC1 is seeking to do. Even in the natural character part  
 404 of the planning document it's not seeking for it to be restored; it's seeking to  
 405 manage the adverse effects activities on it. There's nothing in the objectives that  
 406 seeks to restore natural character beyond the improvements that will be achieved  
 407 through improvements to ecosystem health.  
 408 Wratt: So that's essentially saying that restoring natural form is not an improvement on  
 409 aquatic ecosystems, or it's not a way of improving aquatic ecosystem health?  
 410  
 411 O'Callahan: What Plan Change does is it has this longer term goal in the waiora objective  
 412 around natural character, but that's not around natural character restoration. We  
 413 can go back and have a look at that again, but in so far as the plan provisions  
 414 and what's been implemented by the core objectives that are the subject of this  
 415 time period, I don't believe it's about restoring natural form.  
 416  
 417 To me there is a level of natural form and character achieved through  
 418 improvements to water quality and improvements to ecosystem health that  
 419 makes the river more natural. There are some specific actions that will happen  
 420 to achieve that. The primary directive for it is ecosystem health. That will have  
 421 a consequential improvement on natural form and character, but restoring  
 422 natural character to me that is saying things like "We're going to daylight  
 423 streams and put the bed back." That's not what is proposed under this plan.  
 424  
 425 Wratt: I need to give a bit more thought to that. There is reference to natural character  
 426 and natural form in some of the objectives that we've been looking at through  
 427 the hearing.  
 428  
 429 O'Callahan: Yes, because there will be some improvements to natural form and character, as  
 430 I say as a consequence of what is proposed – where there is some planting going  
 431 to go in there is going to be that.  
 432 [01.05.08]  
 433 But, it taking it that step further, to say there's a policy requiring the restoration  
 434 of natural character, to me that has quite a certain end point which is beyond  
 435 what this is about.

436  
 437 Wratt: I understand what you're saying – you're saying that as a result of other  
 438 provisions in PC1, form and character, that natural character potentially will be  
 439 improved, but that's not an objective in itself of PC1.  
 440  
 441 O'Callahan: There are no specific methods to implement it beyond the improvements to  
 442 water quality and the improvements to ecosystem health and some of that will  
 443 change the streams, but it's not being done for the primary goal of natural form  
 444 and character. It's a side benefit basically.  
 445  
 446 Chair: Also I think there is direction from the RPS as well on that. So even if it's not  
 447 covered in these provisions it would still apply through the RPS around  
 448 restoration. You say "restoration of natural form" but certainly for daylighting  
 449 streams.  
 450  
 451 I'm not saying that these provisions need to do that, I'm just saying that there is  
 452 direction from the RPS on natural form.  
 453  
 454 O'Callahan: To daylight streams. I haven't specifically examined how that words that. It's  
 455 probably more opportunistic than regulated perhaps.  
 456  
 457 The intention is that the new provisions that came into the RPS, that I understand  
 458 you were involved in, in terms of the NPS requirements this plan change is  
 459 intending to implement. They were written alongside each other for this plan  
 460 change to give effect to the RPS. I think maybe a couple of days ago there was  
 461 a discussion around the water sensitive urban design. Those provisions are in  
 462 this plan change for example. You will get to hear about those when you get to  
 463 Hearing Stream 4 with the stormwater topic.  
 464  
 465 Wratt: Thank you for that explanation. I need to give that a bit more thought and look  
 466 back at those objectives and at the RPS, because there was certainly discussion  
 467 in the RPS hearings and there are provisions around nature base solutions and  
 468 the like.  
 469  
 470 O'Callahan: Yes, the ascent to which that has been given effect through this plan change may  
 471 not be fully there. But, in terms of the matter that we were talking about earlier  
 472 in the week, the water sensitive urban design, that is this plan change from my  
 473 perspective.  
 474  
 475 Chair: Ms O'Callahan, I'm just thinking about the relief that the Airport sought, WH.P1  
 476 and about the ability for regionally significant infrastructure to meet those  
 477 requirements. You have responded saying that Objective 09 and O10 in the  
 478 operative regional plan along with Policies 11 and P13 continue to apply.  
 479 [01.10.00]  
 480 This might be something that's better addressed in future hearing streams.  
 481  
 482 I think the question is around while these objectives certainly say that the  
 483 benefits of RSI are to be recognised, is there also accommodation or recognition  
 484 of technical operational constraints? We might be better to look at that in the  
 485 context of the Hearing Stream 3 and 4 provisions. If it's better to wait till then  
 486 that's fine.  
 487

488 I guess I'm just thinking about the airports broader point about the ability for  
 489 RSI to meet the requirements of this policy and just the extent to which the  
 490 constraints functional operational considerations come into the assessment.

491  
 492 O'Callahan: In any particular consent application, as you know the application will be  
 493 assessed in accordance with the plan as a whole. It's not necessary to duplicate  
 494 provisions here.

495  
 496 There is a significant level of enablement in terms of those existing policies. I  
 497 think it's worthwhile just touching on those.

498  
 499 It talks about providing for from memory. It is page-67. There's a policy around  
 500 the benefits of RSI and renewable electricity facilities. "When considering  
 501 proposals regard will be had to the benefits of those activities." Then there's  
 502 another one about providing for "regionally significant infrastructure." It says,  
 503 "The use, development, operational maintenance and upgrade of RSI are  
 504 provided for in appropriate places and ways. This includes..." So they need to  
 505 be provided for – provided the location, and way of providing for it is  
 506 appropriate.

507  
 508 It goes on to talk about the functional and operational requirements associated  
 509 with developing, operating, maintaining and upgrading RSI.

510  
 511 That's a well-crafted policy. In my view that sits alongside this policy. And, in  
 512 any case (and I address this somewhere in my reports in response to the Airport's  
 513 submissions) they're discharging to the coastal environment. As I understand it,  
 514 I suspect their discharges are direct to the coastal environment.

515  
 516 We have talked about the objectives in terms of the coastal environment. They  
 517 require maintenance. They're not actually seeking an improvement, so arguably  
 518 this policy is not even going to affect them, because it's not regarded as  
 519 "degraded". But, they do need to maintain. So if they're landing more planes,  
 520 presumably at some stage in the future they will need to be putting in some  
 521 treatment to make sure that they are continuing to maintain, and they will need  
 522 to deal with any localised toxicity effects that might be occurring.

523  
 524 That sits outside these objectives, but a policy that directs for improvement  
 525 might come into play in that situation if there's those local toxicity effects.

526  
 527 They've got constraints like any other stormwater network, the state highway  
 528 etc. and that's all a part of fitting it in, but there are opportunities to improve.

529  
 530 [01.15.00] That policy doesn't specify a standard. You could put one or two token  
 531 proprietary treatments in and then you would probably arguably meet it. I don't  
 532 think it's particularly directive in terms of that alone, given the target attribute  
 533 states for the coastal environment are not particularly onerous.

534  
 535 Chair: We're hearing from NZTA later today. In terms of their network and discharges,  
 536 if they're needing to move towards reducing copper and zinc that's coming from  
 537 their discharges, is that an instance where say if one of the main causes is the car  
 538 brake pads, which we have briefly touched on, would that potentially be an  
 539 example where they might say "There's only so much that we can do, it's a state

540 highway operator,” about that... I guess I’m just thinking about the functional  
 541 need and operational requirements which are in P13 and the extent to which the  
 542 target attribute states our role is to see that the provisions are going to support  
 543 achieving the target attribute states for dissolved metals.

544  
 545 I guess I’m just seeing what your view is on the extent to which NZTA might  
 546 be able to rely on the functional and operational constraints issue, to sort of say  
 547 “Actually there’s only so much we can do to achieve the metals TAS.” I’m not  
 548 saying they’re saying that, I’m just trying to understand how these provisions  
 549 apply to RSI.

550  
 551 O’Callahan: I think both the Airport and NZTA are both going to be operating... how it is  
 552 under the plan, as I understand it, is there’s network consents and then there’s  
 553 development that they might do. Obviously doing the improvements at the time  
 554 of development makes sense because you’ve probably got a capital project and  
 555 you’ve got an opportunity where you’re redoing your pavement etc. It’s really  
 556 for them to consider how they are going to do that. We’re trying to prejudge how  
 557 a consent application would go then. We’ve got a National Policy Statement  
 558 which is directing the water quality. In those particular examples there’s no  
 559 specific National Policy Statement that conflicts with that.

560  
 561 I think at a localised level there’s probably operational constraints. I would  
 562 envisage that the Council is going to be looking for them to be making their  
 563 commensurate contributions and not letting the discharges continue to increase  
 564 just through collecting additional contaminants on your assets.

565  
 566 Chair: Thank you. Just one final follow-up from that.

567  
 568 In that situation where you’ve got a specific policy that applies to NZTA, if they  
 569 meet the requirements of the policy then it’s assumed the activity is consistent  
 570 with the TAS, but if they don’t meet the requirements of the policy (and this is  
 571 the provision that we looked at yesterday) then they need to be demonstrating  
 572 that what they are doing is reducing the metals being discharged.

573  
 574 I’m going back WH.09 if we are talking about Te Whanganui-a-Tara. Have I  
 575 understood how your recommended amendments there work?

576 [01.20.05]  
 577 O’Callahan: I think we are talking about clause (e) of WH.09 is that right?

578  
 579 Yes, so they’ve got the options to meet the policies and rules, or do an  
 580 assessment against the objectives in terms of where they’re sitting and if you  
 581 knew what are the impacts and what is the load reduction sought.

582  
 583 McGarry: Just in terms of the existing policy of functional and operational need; functional  
 584 need, my understanding there’s quite a high threshold but operational needs is a  
 585 very low threshold isn’t it? Is that an “and” or an “or” in that policy?

586  
 587 O’Callahan: It’s an “and”. The terms here are “functional need and operational requirements”.  
 588 They’re not the terms that are in the planning standards I don’t think they predate  
 589 that.

590  
 591 McGarry: There’s needs I think isn’t there?

592  
 593 O'Callahan: Yeah. The functional need here is defined as “when an activity is dependent on  
 594 having its location in the coastal marine area.”  
 595  
 596 Operational requirements is, “when an activity needs to be carried out in a  
 597 particular location or way including because of technical, logistical or safety  
 598 reasons, in order to be able to function effectively and efficiently.” It's a  
 599 reasonably high bar that one I think.  
 600  
 601 Chair: Sorry, we moved a little bit away from the first policy. I will let you continue  
 602 Ms O'Callahan.  
 603  
 604 O'Callahan: The next one is policy WH.P2. These policies I have recommended by deleted  
 605 in full because they are a duplicate of the activity specific policies that follow to  
 606 address these activities. It's sort of like a summary policy. And, that is to avoid  
 607 duplication of this with the other provisions. It's not good practice in reading this  
 608 to have a summary version of a policy because you lose the nuances in the detail  
 609 that you need. If you're of a mind to continue to have it here you would have to  
 610 consider the other policies first before turning your mind to the summary and  
 611 whether it is reflected.  
 612  
 613 I don't think it is needed in the plan. It doesn't really add anything and it just  
 614 will lead to interpretation difficulties. Unless you duplicate them completely the  
 615 policies won't be consistent. That's the recommendation.  
 616  
 617 There's on consequential amendment of that, in that there was an aspect of this  
 618 policy that wasn't contained in the detailed policy; so they were inconsistent.  
 619  
 620 It seems that the matter is best addressed by including that in policies P27 and  
 621 P25. There may be other matters that get revisited on this when we get to Hearing  
 622 Stream 3. This is one of the rural provisions.  
 623  
 624 The key change there is the language to insert there.  
 625  
 626 [01.25.00] First of all, riparian planting does two things: it stabilises stream banks to reduce  
 627 stream bank erosion and shading of the streams also helps to improve periphyton  
 628 target attribute states. It's really just to tidy up. Probably the key thing for the  
 629 riparian planting is the stabilisation of those stream banks in terms of the key  
 630 issues for these Whaitua around the sedimentation.  
 631  
 632 That's the amendment suggested for those ones.  
 633  
 634 Chair: The text that was originally in WH.P2 about stabilising stream banks had more  
 635 direction around how that is to be achieved, by excluding livestock and planting.  
 636 Your recommended changes now to P27 talk about what needs to happen but  
 637 doesn't go into how that is to happen. Is that because that will be evident from  
 638 the rules and maybe other policies in the rural topic?  
 639  
 640 But, actually having said that, I see that you've also inserted the words in P27  
 641 “promoting riparian planting to stabilize” so it's probably just the livestock  
 642 exclusion element.  
 643

- 644 O'Callahan: I wonder if the livestock exclusion is covered in a different policy. Let me just  
645 try and refresh my memory.  
646  
647 Yes, that's correct. If you have a look at the likes of Policy WH.P21 which  
648 addresses that.  
649
- 650 [01.30.00]  
651 Chair: So WH.P21, while that talks about reducing discharges reducing discharges of  
652 nitrogen, phosphorous and E.coli from farming activities, the periphyton  
653 impacts are what will happen if those discharges are reduced. So periphyton  
654 would also be reduced and not get into bloom conditions?  
655
- 656 O'Callahan: That's right. Policy 2 which is the one suggested be deleted... arguably the one  
657 that's been deleted was for the sedimentation issue. But, here it is for the nitrogen  
658 and periphyton stuff. I think it's probably a level of detail that is better suited to  
659 Hearing Stream 3 and the reporting officer there I would urge the Panel to  
660 perhaps take it up in that hearing, to just see whether it needs to be referenced in  
661 both.  
662  
663 The policy direction of excluding the livestock was already in the plan, but  
664 whether it needs to be in both policies or not I don't really know. I haven't sought  
665 any advice as to whether one is more important than the other in terms of the  
666 target attributes and that sort of thing. We have got Dr Greer here, so you're  
667 welcome to take the opportunity to ask him. I'm sure he can provide advice on  
668 the science.  
669  
670 Because this is a policy recommending changes to a policy, it just really  
671 highlights the fact that the policies weren't completely consistent and it was  
672 intended to be a summarising policy; but the remedy for this hearing stream is  
673 deleting it. Whether I've got the consequential change completely right I suspect  
674 that the reporting officer for the next topic will have other changes to these  
675 policies that I have recommended anyway. I don't want to overstep and suggest  
676 other changes – particularly for that one now because the report for the Hearing  
677 Stream 3 is imminent to be finalised. It would just get really confusing.  
678
- 679 Wratt: Clauses (a) and (b) around greenfield development, or (a) is improving  
680 unplanned greenfield development; and (b) encouraging redevelopment.  
681  
682 In relation to (a) you note on page-10 of your s42A report that it duplicates  
683 policies WH.P15 and P16 in equivalent Porirua ones. But, those policies are  
684 actually around offsetting and discharges from new unplanned greenfield  
685 development. They don't actually relate to prohibiting or discouraging  
686 greenfield development or encouraging activities within existing urban areas.  
687
- 688 O'Callahan: The way in which they're drafted is probably different. This is probably a  
689 summarisation of the effect of those provisions. There's a policy that it relates  
690 to discharges and here it's been reworded as activities. The policies necessarily  
691 need to relate to discharges because that's the Regional Council's function.  
692 That's probably why it garnered a fair few submissions in opposition.  
693 [01.35.00]  
694 Wratt: I notice Hutt City Council is submitting this afternoon. They agreed with its  
695 removal but they did aside from that suggest that the wording would be... it



696 wasn't "discouraging" but it was something very similar to that - "replace  
 697 prohibiting with avoiding".  
 698  
 699 I guess the question is, is it appropriate? There's two questions: one is that clause  
 700 (a) isn't really duplicating in my view policies WH.P15 and 16; but then the  
 701 other question is, is there anything or should there be anything that does avoid  
 702 or prohibit planned greenfield development, which is what's in WH.P2?  
 703  
 704 O'Callahan: To my reading it does duplicate WH.P16, which is "to avoid all new stormwater  
 705 discharges from unplanned greenfield development". There is no ability to do  
 706 greenfield development as I understand without stormwater discharges.  
 707  
 708 In any case, it's not appropriate for a policy to be drafted with the words  
 709 "prohibit" because that's language for a rule.  
 710  
 711 Chair: I think we're ready to move onto Issues 3 and 4.  
 712  
 713 O'Callahan: The main changes for this policy in terms of the text is the wording in sub-clause  
 714 (b) to refer to a percentage load reduction; and then the changes to the table.  
 715  
 716 That's the work that Mr Blyth talked to you about on Tuesday, where that has  
 717 been re-evaluated. It takes account of the change of the visual clarity target for  
 718 Mangaroa and it re-calculates the expected load reduction required to meet the  
 719 visual clarity targets for those part FMUs into Whanganui-a-Tara that require an  
 720 improvement to visual clarity.  
 721  
 722 This is essentially a policy that assists with implementing other policies and  
 723 what is the expectations for the objectives that impact sediment generating  
 724 activities.  
 725  
 726 [01.40.00] The mean annual column load has been removed because there's a high degree  
 727 of uncertainty around the absolute number from year to year.  
 728  
 729 We haven't got Mr Blyth available but Dr Greer is across this work and is able  
 730 to speak to any questions of the modelling inputs.  
 731  
 732 Stevenson: Sorry if I'm taking us outside the focus of the conversation, but I'm interested  
 733 as well in the date of 2040 versus 2060 that some submitters were seeking –  
 734 particularly Wellington Water. You've not recommended any change to the date  
 735 in that second column timeframe.  
 736  
 737 O'Callahan: Firstly I'm unclear why Wellington Water consider this to be a particular  
 738 concern, because their activities to me are not the kind of core sediment  
 739 generating activities, although they do have probably some of their own  
 740 construction activities. They'll be subject to earthworks and perhaps there is  
 741 some areas where they're ending up with a lot of sediment from other people's  
 742 earthworks in their pipe networks.  
 743  
 744 The intention is in Plan Change 1 to manage those at the source – so the farming  
 745 site or earthworks site, forestry.  
 746  
 747 I don't understand the concern for a start.



748  
 749 The other issue is that I don't believe this has been identified as being not  
 750 achievable in the timeframe by the scientist.  
 751  
 752 Kake: Just for again my lay-brain, in the s42A at paragraph 70, I think Table 8.5 is  
 753 discussed, and this might be a science question.  
 754  
 755 Just looking at some of the justification from Mr Blyth around the deletion of  
 756 the mean annual load column in 8.5, just so I understand it, it's because the data  
 757 wasn't eleven years and was only based on five years' worth of evidence?  
 758 [01.45.00]  
 759 O'Callahan: Dr Greer will respond to that in a moment.  
 760  
 761 I will just comment that the policy is just really attended to assist with the  
 762 interpretation of the objective. This is modelled information, so the target is  
 763 ultimately what's in the objective. That's what needs to be met. I think the policy  
 764 is just a helpful interpretation of it.  
 765  
 766 What will be monitored really is the achievement of the objective and then at  
 767 any stage the loads could be recalculated to see how they are tracking sort of  
 768 thing – is potentially an option, but obviously this is just a policy to give effect  
 769 to an objective in plan users.  
 770  
 771 Greer: Mr Blyth's recommendation on not including absolute load estimates is around  
 772 the potential to change as high resolution data becomes available. They're not  
 773 the end number necessarily. It's modelled. You never know the exact number,  
 774 so it's subject to change.  
 775  
 776 This is not covered in Mr Blyth's evidence, but if anyone has ever worked with  
 777 consenting, overseer type numbers you can see how changing those numbers  
 778 can be used to achieve different consenting outcomes.  
 779  
 780 From just a principle approach the load numbers don't really achieve anything  
 781 unless you're allocating that load either. What does matter is the percent  
 782 reduction required to achieve the visual clarity target attribute states which are  
 783 detached from that absolute number.  
 784  
 785 The output from that analysis is a percent reduction. It's not xx tonnes. It was  
 786 somewhat of a redundant measure as well.  
 787  
 788 Chair: Moving to measuring the baseline as a medium visual clarity baseline, that aligns  
 789 with the NPS-FM Table 8 for suspended fine sediment. As I understand it, the  
 790 NPS-FM in these tables proposes a statistical measure but it's up to the Regional  
 791 Council how they actually measure – is that right? So what's in these tables, in  
 792 the bands, that's one option, but it's up to the Regional Council if they want to  
 793 take a different measure?  
 794  
 795 Greer: The NPS-FM defines that it's a medium visual clarity I believe measured off  
 796 monthly data collected over five years – so that's specific. I don't believe the  
 797 NPS-FM requires the Regional Council to calculate the load reduction required  
 798 to achieve the target attribute state. This has been done to provide an indication  
 799 of the level of effort that is needed to do so. It's the approach that was used by

800 MFE to calculate the load reductions required to achieve the national bottom  
 801 line at a national scale as well. So, it's consistent with the approach that was used  
 802 to inform your clarity attribute states in the NPS as well.  
 803

804 Chair: This is a black dust test isn't it, the visual how far along on the horizontal  
 805 distance you can see?  
 806

807 Greer: The columns which reference visual clarity, yes.  
 808 [01.50.00]  
 809 Chair: Te Awa Kairangi lower mean stem, if the baseline is 2.5 the load reduction target  
 810 is [nil audio 01.50.10]. That's the scientific evidence. I'm not challenging that.  
 811 I guess I wouldn't mind just understanding that a bit better.  
 812

813 Greer: There is a national approach to calculating the load reductions for visual clarity.  
 814 If we had taken that approach the proportion or the load reduction to achieve the  
 815 same improvement in visual clarity would have been the same between sites.  
 816

817 However, we took a more nuanced approach of calculating a visual clarity  
 818 suspended sediment relationship for each site where we could. That's the  
 819 difference you're seeing between the sites, because they are site specific  
 820 relationships which inform the percentage load reductions.  
 821

822 Chair: Then if we look at Table 8.4 say still at Te Awa Kairangi the lower main steam,  
 823 for suspended fine sediment it's 2.4 which aligns with what's in Table 8.5, as  
 824 you would expect, state (c), and then this was where I started questioning  
 825 whether I actually did understand it, because 2.4 if you go back to the NPS-FM  
 826 table is higher than state (c).  
 827

828 The baseline states in Table 8.4, do they not correlate to the NPS-FM Table 8?  
 829

830 Greer: I am just double-checking that there hasn't been a mistake made, just before I  
 831 launch into an answer.  
 832

833 There hasn't been a mistake. That's a result of the differences in attribute state  
 834 thresholds between river classes. So, the Hutt River at Boulcott is in River Class  
 835 3 for suspended fine sediment. If it's visual clarity sits between 2.22 and 2.57  
 836 for that river class it's in the (c) state. For every other river class I believe it  
 837 would put it in the (a) state.  
 838

839 Chair: Thank you, you did talk about the different river class [nil audio 01.53.00] and  
 840 need to take account of different river classes.  
 841

842 Greer: Would they require you to set the target attribute states in accordance with the  
 843 thresholds set for the different river classes. If there was a desire to achieve (a)  
 844 state you would set the numeric threshold at the relevant (a) state threshold for  
 845 that sediment class. You couldn't set a target attribute state for the Hutt River at  
 846 Boulcott below the national bottom line for River Class 3 because it was  
 847 potentially allowed for the national bottom line for River Class 1, explicitly.  
 848

849 O'Callahan: On the NPS table there's the one, two, three, four. That's the different classes of  
 850 river is my understanding. It doesn't say it. It just says "median". So that's the  
 851 classes. It's not very clear.

852  
853 Greer: There's a table I believe in Appendix 2C which specifies the criteria that puts  
854 you in a specific sediment class for [01.54.36] – Appendix 2C Table 23 and  
855 Table 24.  
856  
857 Chair: Thanks for explaining that. I think I have just have one more question. I know  
858 we're almost out of time.  
859  
860 [01.55.00] Dr Greer, in your response to NZTA's evidence, you mention that the geospatial  
861 mapping of the network. You talk about that and then I think you talk about  
862 where their discharge points are. Is that geospatial mapping available?  
863 Greer: I pulled the state highway network off the NZTA's open data service, and then  
864 the part FMUs are available on the Greater Wellington's open data portal. It was  
865 simply overlaying those two layers to extract the length of the NZTA network  
866 in each party from there.  
867  
868 Chair: Thank you.  
869  
870 Greer: Would you like that map?  
871  
872 Chair: I don't think so. We'll talk to NZTA and make sure we understand their concerns  
873 first.  
874  
875 Is it possible to get updated information from you on basically bringing this  
876 together? So where the target attribute states are met and where they are not met  
877 in coastal and in freshwater. Because obviously that comes back to the maintain  
878 and the improve requirements. I think we are going to hear from some submitters  
879 that say it's just not possible for our activities to be contributing towards the TAS  
880 or not. I guess I just want to have clarity around exactly where the TAS has been  
881 met and where it hasn't. I know it is in all the information you've provided but  
882 a sort of refreshed set.  
883  
884 Greer: Yes, I can summarise the part FMUs and which TAS are not met for the part  
885 FMU. Are you talking about specifically in relation to sediment in the load  
886 reductions here or all target attribute states for contaminants and ecological  
887 targets?  
888  
889 O'Callahan: I think you would probably need to do it just by specific TAS. You sort of almost  
890 have to do it, to submit a [01.57.58] because if you try and do all the TAS it  
891 would be...  
892  
893 Greer: Yes, it would be a slightly smaller version of Table 4 in my evidence. I think  
894 there would be greater clarity if we could limit it to specific target attribute states  
895 that are focused on in submissions, which would probably be copper, zinc, visual  
896 clarity and E.coli.  
897  
898 If that is what you want me to focus on. If there's any extras I can add them.  
899  
900 O'Callahan: That's going to take a little while though.  
901  
902 Greer: I can just filter our columns from my table or spreadsheet it. It would take a  
903 matter of minutes to do that.

904  
 905 O'Callahan: Are you wanting it in a table format, not a map format, is that right?  
 906  
 907 Chair: Table is fine. When you're looking carefully through these numbers in quite a  
 908 few instances, and I know that you've still got some updated baseline  
 909 information to come as well, but in quite a few instances the target attribute  
 910 states have already been met. Submitters might appreciate having some better  
 911 'visual clarity' excuse the pun, around that.  
 912  
 913 Greer: Absolutely. I'm just running E.coli, sediment, copper and zinc. If you want  
 914 anything more you would add that in the minute after this.  
 915  
 916 Chair: Dr Greer, you talk in paragraph 33.2 of your rebuttal about this unders and overs  
 917 approach. I want to just ask Ms O'Callahan's view about this.  
 918 [02.00.00]  
 919 So you're saying, about achieving TAS where an improvement is required, and  
 920 I think you're talking specifically about stormwater outfalls... it's really in 33.2  
 921 and requiring emitters to improve regardless of water quality, so that the TAS is  
 922 achieved at the specified sites while allowing for some unders and overs in the  
 923 upstream catchments.  
 924  
 925 I think my question is for Ms O'Callahan about whether the wording in that  
 926 objective, for Te Whanganui-a-Tara WH.09, that (e) which I keep coming back  
 927 to, it's whether the unders and overs approach which Dr Greer is talking about  
 928 there is actually reflected in that drafting. I'm not sure it is. To be fair, Dr Greer  
 929 goes on to say the best option from a policy perspective is not within the scope  
 930 of his expertise.  
 931  
 932 I guess if your planning view is different, obviously that's your mandate to have  
 933 a different view.  
 934  
 935 Greer: Do you mind if I just confer with Ms O'Callahan?  
 936  
 937 O'Callahan: I understand what Dr Greer is talking about in that paragraph. I'm just not sure  
 938 which provision we are talking about it in the context of. Anyway, what he  
 939 talking about there is where a target attribute state... and I think the example we  
 940 are talking about there is stormwater, that's at the bottom of the catchment, and  
 941 that is requiring everyone in that catchment to do their bit, their commensurate  
 942 reduction to get to the target attribute state at the bottom. That doesn't mean that  
 943 the target attribute state has to be met all the way up the catchment. It needs to  
 944 be met at the bottom.  
 945  
 946 I think that's the unders and overs along the way to the bottom.  
 947  
 948 Chair: So in relation to WH.09(e) the specific policy is a stormwater policy and if the  
 949 consent applicant does not satisfy that policy then (e) requires an assessment of  
 950 the impact of that activity or discharge on the achievement of the target attribute  
 951 state.  
 952  
 953 My question is whether that allows for this unders and overs.  
 954

955 O'Callahan: Yes it does by definition, because a target attribute state only applies at the  
 956 monitoring point. The target attribute state is at the bottom of the catchment. It's  
 957 not an end of pipe but they need to do their contribution.  
 958 [02.05.05]  
 959 If they choose to do it in a different way to what is prescribed in the policies then  
 960 that would still meet the objective.  
 961  
 962 For example, they might choose not to fix stormwater at the airport if it's too  
 963 hard. They might do it somewhere else where it's going to be more meaningful.  
 964 That would be an offset regime. But, either way it's going to contribute. If it was  
 965 a true offset it would need to be in the same catchment.  
 966  
 967 I think what we are interested in is meeting the target attribute state at the  
 968 catchment, at the monitoring site, because that's going to reflect the catchment  
 969 that feeds into that has been cleaned up.  
 970  
 971 Chair: And, we're still in the state of the environment space aren't we?  
 972  
 973 O'Callahan: Yes.  
 974  
 975 Chair: WH.O9 is it right that has actually very limited impact for a consent applicant?  
 976  
 977 O'Callahan: It depends which way you look at it. It sets the requirements of the policies and  
 978 rules. They have a significant impact. I'm not suggesting that this is a walk in  
 979 the park. We're trying to remedy existing pollution from existing activities  
 980 primarily. That's not easy, but that's what the National Policy Statement for  
 981 freshwater requires from this Regional Council.  
 982  
 983 Chair: Sorry, I'm probably not explaining it very well. Obviously it's a very important  
 984 objective and for the Council's monitoring that's very important, but if an  
 985 applicant can do this, if it's offsetting, have a discharge that is going to not be  
 986 supporting or not going in the right direction of the TAS but then having another  
 987 discharge elsewhere in the catchment that is, in that situation I'm just trying to  
 988 understand what this policy then means for them.  
 989  
 990 O'Callahan: We're back onto Policy WH.P4 is that right?  
 991  
 992 Chair: Objective WH.O9.  
 993  
 994 O'Callahan: I think most likely what's going to happen (and it's hard to visualise the offset  
 995 scenario but it should in theory be possible) is they either make the policies and  
 996 rules for stormwater, or if they don't and they can't figure out how to do that,  
 997 then they probably need an assessment under this objective and they might be  
 998 inconsistent with it.  
 999  
 1000 Dr Greer would like to hopefully make this all clear.  
 1001  
 1002 Greer: From a consenting perspective I would hope that if they would be lodging the  
 1003 consent applications for those discharges together that they would provide their  
 1004 net load reductions, and not necessarily the load reductions for each discharge  
 1005 point. We're talking about a network of many, many discharge points here. The

1006 individual discharge load reduction should not factor into consent conditions. It  
 1007 should be accumulative load reduction across all discharge points.  
 1008  
 1009 I don't know if that counts as an offset or not.  
 1010  
 1011 O'Callahan: I think Dr Greer is describing how it will be one application for hundreds of  
 1012 discharge points is the most likely consent scenario. They will outline what their  
 1013 plan is presumable to where they are going to be able to install some treatment  
 1014 to make their contribution within each FMU that they are operating.  
 1015 [02.10.00]  
 1016 Chair: Does anyone have any questions rising from that? No.  
 1017  
 1018 Dr Greer, if a submitter makes a statement to remedy the cross-connections, for  
 1019 instance, Hutt City say that the private laterals make up half the network by  
 1020 length and would cost between \$250m-350m to identify and repair – I guess to  
 1021 understand and clarify statements like that, that's a question for Wellington  
 1022 Water? I guess we're going to be hearing a lot from submitters about the costs  
 1023 of this work and we have Mr Walker's evidence, but I think so far that's really  
 1024 all that we have.  
 1025  
 1026 Greer: Yes, I understand that the TAs themselves are best placed to quantify their own  
 1027 costs. I do believe Wellington Water contributed to Mr Walker's economic  
 1028 assessment, or at least had the opportunity to sense check some of the numbers  
 1029 that went into it.  
 1030  
 1031 O'Callahan: As I understand it the private lateral costs didn't go into it. I think that's my  
 1032 understanding. You've got a number there. Add it to the total I guess.  
 1033  
 1034 Chair: It's just that verification because we are going to be talking about some very big  
 1035 numbers with submitters.  
 1036  
 1037 O'Callahan: Just on that, their submissions all sort the timeframe to 2060. We have conceded  
 1038 that in the vast majority of the high costs and catchments on the basis that was  
 1039 necessary to get it down to what we have defined as the affordability levels.  
 1040 Those costs are borne. There's an investigation cost that I would imagine the  
 1041 councils might need to take a lead in. There's a non-regulatory method in there  
 1042 about advocating for the Regional Council to be involved in trying to help with  
 1043 finding funding for these sorts of things. There's something there around that.  
 1044  
 1045 That's a study, but the cost for the actual repair of the private laterals, my  
 1046 understanding is that's borne by the land owners; and then some of that is likely  
 1047 remedied upon redevelopment as well. In the likes of Eastern Porirua where  
 1048 there's been a significant amount of redevelopment through Kāinga Ora, all of  
 1049 that stuff gets fixed when things are redeveloped. No-one is putting in  
 1050 townhouses and plumbing them stormwater anymore – we hope. There's council  
 1051 inspections for those.  
 1052  
 1053 Those costs get less for the Council in the case of redevelopment. All of these  
 1054 existing urban areas presumably under the NPS-UD they have fairly permissive  
 1055 and fairly enabling urban development and redevelopment for urban uplift.  
 1056



1057 All of those numbers don't factor that in to any specific extent. The network  
 1058 stuff doesn't get fixed through urban redevelopment particularly, other than  
 1059 perhaps some of those wider catchment-wide things like Kāinga Ora. But, the  
 1060 laterals, that's done through subdivision and redevelopment to some houses I  
 1061 would say.  
 1062

1063 Chair: Just on that, I think on the costs, there's been some criticism from some  
 1064 submitters about the true costs of implementing the freshwater TAS and the  
 1065 coastal objectives not being known. There's insufficient information about the  
 1066 true costs of this.  
 1067 [02.15.00]

1068 Am I remembering right, is it in your rebuttal evidence Ms O'Callahan, is there  
 1069 some further s32AA that is still coming, or are we done in terms of what the  
 1070 Council has now provided in terms of economic costs?  
 1071

1072 O'Callahan: We're done in terms of as I understand it for this hearing stream, for quantitative  
 1073 economic analysis. The intention is for me to write a planning summary in a  
 1074 similar relatively lightweight format that I put in the s42A report in my reply.  
 1075 That's the qualitative s32 that they criticised the Council for in the first place, so  
 1076 seems a bit kind of ironic that they're now bemoaning the absence of a  
 1077 qualitative one, when we've done the quantitative one.  
 1078

1079 So I'm not convinced it necessarily adds a lot of value, but the Panel will need  
 1080 that for its decision.  
 1081

1082 Chair: I'm sorry Ms O'Callahan there is one further thing I wanted to ask you about.  
 1083 It's paragraph 72 of your ecosystem S42.  
 1084

1085 It's a sentence that's three-quarters of the way down, where you say "in the case  
 1086 of an existing activity a level of reduction akin to the overall reduction sought  
 1087 as noted in Table 8.5 would be a reasonable approach in order to demonstrate  
 1088 alignment with this policy."  
 1089

1090 We looked ahead yesterday I think to a couple of examples from Hearing Stream  
 1091 3 or 4 policies still to come. That uses the word "commensurate". Is that what  
 1092 you're talking about here?  
 1093

1094 O'Callahan: Yes. I'm talking about if there's some activity that's an existing activity that  
 1095 needs to be assessed under this policy then that's the level of load reduction from  
 1096 their activities that is expected.  
 1097

1098 Chair: Thank you. Let's just go back to that example we talked about earlier, the Te  
 1099 Awa Kairangi lower main stem, if their activities are going to discharge into that  
 1100 environment, is it expected that they would be having a 25 percent reduction in  
 1101 activities that generate sediment, or have I over-simplified it?  
 1102

1103 O'Callahan: No, I think that's correct. The issue being that the key sediment generating  
 1104 activities are land use activities. You're managing a land use activity rather than  
 1105 a direct discharge because it's a diffuse situation. I think the same principle could  
 1106 be applied.  
 1107 [02.20.08]



- 1108 Greer: Yes, I think if you're applying for a consent outside of the provision framework  
 1109 provided to operate as a permitted activity, that would probably be a good  
 1110 starting point, but that would depend on when you were applying.  
 1111  
 1112 In Mr Blyth's statement of evidence he recalculated the low reductions from  
 1113 current state and that reduced those to six percent for Te Awa Kairangi. You  
 1114 would have to take into account current water qualities, because it's pegged to  
 1115 the baseline area, those reductions in the plan – so at 2017. You would have to  
 1116 consider current water quality and not necessarily what's in Table 8.5.  
 1117  
 1118 Chair: Is that certain enough for a plan user? If we think about these again as state of  
 1119 the environment regional... I don't want to say "aspirations" that's not right, but  
 1120 objectives?  
 1121  
 1122 Greer: I'm not sure if it's certain enough but I think if someone was applying for consent  
 1123 in a further ten years it would have to be their starting position anyway, because  
 1124 we'd be so far away from just when the plan was published, let alone baseline  
 1125 state. You would have to start from where are we at in relation to the targets and  
 1126 how much further do we need to go to reach final achievement?  
 1127  
 1128 Otherwise everyone is always just trying for 25 percent, even if other activities  
 1129 have already achieved eventually even more than that.  
 1130  
 1131 Chair: To me it's not completely clear but maybe we'll reflect on that some more and  
 1132 have a better understanding once we've gone through Hearing Streams 3 and 4  
 1133 and come back to that at the end.  
 1134  
 1135 O'Callahan: It's an easy fix I think. If you look at Table 8.5 it's got a reference to the median  
 1136 clarity baseline of 2012 to 2017. If you just reference from the baseline, or from  
 1137 that period in the right hand column title, then that would clarify it. I'm happy  
 1138 to make those amendments.  
 1139  
 1140 Greer: It's possible that there may need to be some implementation guidance with  
 1141 [02.22.58] on how to calculate the load reductions if that does become a  
 1142 substantial issue.  
 1143  
 1144 Just on the stormwater networks, just a contribution to sediment: stormwater  
 1145 treatment is effectively sediment treatment as well. So if they ultimately are  
 1146 bound by these low reductions, which again it doesn't seem like they are, it will  
 1147 probably be a side-effect of the copper and zinc targets that would achieve  
 1148 sediment load reductions from that.  
 1149  
 1150 Chair: Sorry, when you say "bound to" you mean the chemical?  
 1151  
 1152 Greer: If there is confusion over whether the Table 8.5 targets apply to them, their  
 1153 stormwater treatment for copper and zinc in the coastal objectives, if that applies,  
 1154 will achieve an improvement in [02.23.55] potentially more than what you  
 1155 would expect just on the copper and zinc. Stormwater treatment is sediment  
 1156 treatment.  
 1157  
 1158 O'Callahan: The metals are attached to the sediment and so to remove the metals you have  
 1159 to remove the sediment?

1160  
 1161 Greer: Yes. Stormwater treatment is settling and filtering.  
 1162  
 1163 O'Callahan: So certainly the Regional Council's priority will be the metals and this will be  
 1164 the side-benefit for the sediment presumably.  
 1165  
 1166 Chair: But, you don't want the metal concentrations too high, so that's again that...  
 1167  
 1168 O'Callahan: We've analysed the effects in an economic sense on the metal TAS because  
 1169 they're going to drive the treatment requirements rather than the sediment, for  
 1170 the likes of Wellington Water.  
 1171 [02.25.00]  
 1172 They will be contributing to sediment reductions wherever they are putting  
 1173 stormwater treatment.  
 1174  
 1175 Chair: Dr Greer, I think your evidence goes into some examples of what people can do  
 1176 to actually reduce metal content, doesn't it? Or, there's someone who I think  
 1177 talks about that.  
 1178  
 1179 Greer: Ms Ira talks about devices. There is talk about general treatment efficiencies  
 1180 throughout my evidence and in I can't recall if it's covered in Mr Blyth's  
 1181 modelling evidence.  
 1182  
 1183 I do have some figures on the relative treatment of sediment versus metals  
 1184 through stormwater treatment. To remove 80 percent of the copper and zinc for  
 1185 a rain garden you would have had to have removed 90 percent of the sediment;  
 1186 so you remove a lot of the sediment on the pathway to removing the metal.  
 1187  
 1188 Chair: Is that in someone's evidence?  
 1189  
 1190 Greer: That is in the modelling reports for Porirua. It went into the modelling.  
 1191  
 1192 Chair: I think we'll catch-up time after the morning adjournment.  
 1193  
 1194 Ms O'Callahan, we're with you and Dr Melidonis until about 12.30pm, so we  
 1195 can probably come back at 11.15am.  
 1196  
 1197 It's been a long morning for you. Thanks.  
 1198  
 1199 [Adjournment – 02.27.05]  
 1200 [Hearing resumes – 02.52.40]  
 1201  
 1202 Chair: Hello everyone. Ms O'Callahan I think we are up to Issue 5.  
 1203  
 1204 O'Callahan: Yes. We are just now up to Policy P4 and Tables 9 [nil audio 02.53.33].  
 1205  
 1206 Policy P4 has been redrafted to reflect the fact that one of the tables that are  
 1207 referenced in that policy is to be deleted. In the notified version of PC1 load  
 1208 reduction targets had been calculated in respect of the coastal sedimentation rate  
 1209 objective to support that, in the same way as we've been discussing for the visual  
 1210 clarity TAS.  
 1211

1212 What's transpired is that the science team have looked into that and it's been  
 1213 determined that they're not able to sufficiently reliably represent load reductions  
 1214 for the coastal sedimentation rate objective. The proposal was to remove the  
 1215 table in full and then that's similar to all the other load reductions sought by the  
 1216 target attributes that they need to be calculated at the consent stage, at the  
 1217 particular time.

1218  
 1219 The wording changes reflect that. The load reductions have gone but the targets  
 1220 in the case of the sediment load is still required to meet the sedimentation rate,  
 1221 but the metal reductions are no longer sought and that was the material we were  
 1222 discussing the day before. We had Mr Oldman, Dr Wilson and Dr Melidonis  
 1223 talking on that.

1224  
 1225 We have Dr Melidonis here today if there's any questions but we don't have a  
 1226 presentation of that because the technical work has been previously presented.  
 1227 She's available for questions.

1228  
 1229 The bit that does stay is the equivalent for Table 8.5 for this Whaitua and here  
 1230 there is only one freshwater catchment part FMU that needs an improvement for  
 1231 visual clarity and that's Takapū and the load has been calculated for that by Mr  
 1232 Blyth. You've heard from his previously on this.

1233  
 1234 So that's really the extent of changes required for that particular policy and the  
 1235 technical aspects of that have really been traversed before. It's just really  
 1236 confirming that there is still a sedimentation rate target at an objective level that  
 1237 will require a sediment reduction, but we've not been able to calculate a number  
 1238 for that sufficiently or reliably for this, for inclusion in the plan.

1239  
 1240 Dr Melidonis, is there anything you want to add to that, or are you just happy to  
 1241 answer questions?

1242  
 1243 Melidonis: That was an accurate summary thank you Ms O'Callahan. I'm happy to take  
 1244 questions.

1245  
 1246 Chair: Thank you very much. Commissioners?

1247  
 1248 McGarry: Ms O'Callahan, so you would recommend the same clarification to the last  
 1249 column as you did just before morning tea break. The suspended load rate  
 1250 reduction to meet visual clarity would be the median or the baseline I think is  
 1251 your wording.

1252  
 1253 O'Callahan: The wording that I propose to put in there would read "suspended sediment load  
 1254 reduction from baseline," and I would "baseline" in those same inverted  
 1255 commas, to meet visual clarity target.

1256 [03.00.00]

1257 Chair: Ms O'Callahan, we were looking at this in relation to Te Whanganui-a-Tara, but  
 1258 for this Whaitua again just to check my understanding, that policy P4(b), so  
 1259 where the TAS isn't met and it's not met for Takapu the 26 percent reduction  
 1260 from the median must be achieved as the TAS – so the Regional Council will  
 1261 monitor and report on achieving that TAS as part of its regional reporting.

1262

1263 I'm sorry, but one more time could you just run through for me, just so it's  
 1264 completely clear, if I'm a consent applicant and I'm wanting to do something  
 1265 that will impact the Takapu catchment and it will generate sediment. I'm  
 1266 harvesting some forests. This policy, what impact does it have on my planned  
 1267 activity?

1268  
 1269 O'Callahan: It is possible that this is a bit like the objectives and should only be applied if  
 1270 you're outside a more prescriptive policy and rule regime. Just to illustrate it, in  
 1271 a rural context, what the team I understand have done is model the extent of the  
 1272 provisions for rural which have a combination of sediment reductions coming  
 1273 from stream setback requirements and retirement of high risk erosion and some  
 1274 pole planting. That's been modelled.

1275  
 1276 That will achieve the objectives for visual clarity. You note that I have written  
 1277 that clause (b) I think it is, where it says to put it aside if you're meeting the  
 1278 activity specific.

1279  
 1280 In reality I suspect this is probably the same, but there's probably a bit of work  
 1281 I need to just do to try and work out whether it is the same.

1282 [03.05.05]

1283 I think a lot of those rural provisions are being implemented through permitted  
 1284 activity conditions, so the policy won't see the light of day and nor does it need  
 1285 to if people are meeting their noted activity conditions.

1286  
 1287 So whether it needs change or not, I'd probably need to circle back on that. It's  
 1288 perhaps probably premature to do that at the moment because there will be  
 1289 invariably some amendments to some of those provisions through in particular  
 1290 Hearing Stream 3 I suspect. Perhaps it's something that we could look to pick  
 1291 that up in an integration hearing. Obviously, you'll be aware of it. You might be  
 1292 able to put some questions to the reporting officers. I can certainly give them a  
 1293 heads-up on that for those topics.

1294  
 1295 I don't know that now is the time to try and think about whether it's needed or  
 1296 not. Even the rules where there's consent required, they're probably ones that  
 1297 are restricted in terms of what the considerations are.

1298  
 1299 I guess to some extent it's probably more explanation than actual policy. It might  
 1300 be necessary in a policy situation for activities that aren't anticipated but then  
 1301 activities are anticipated and it's probably not necessary.

1302  
 1303 Chair: I appreciate that. You did say before that it's getting into Hearing Stream 3. I  
 1304 think the integration stream is probably the right place to come back to it. We'll  
 1305 make a note of that and make sure we do come back.

1306  
 1307 Dr Greer and Ms O'Callahan you're providing for us an updated table with the  
 1308 TAS and coastal objectives which will also help obviously with our  
 1309 understanding of this policy.

1310  
 1311 Where you're recommending Ms O'Callahan that the timeframes be relaxed in  
 1312 some instances (and it might be overthinking this, but) in this Takapu example  
 1313 the 26 percent reduction from the baseline, which is the same timeframe that  
 1314 will be in the Table 9.2.

1315  
 1316 O'Callahan: The only timeframe changes relate to metals in one part FMU and E.coli. There's  
 1317 no change to timeframes for visual clarity in my recommendations.  
 1318  
 1319 Chair: Am I right in understanding that that timeframe doesn't matter? Say when this  
 1320 is operative or if this operative then that 26 percent reduction that applies  
 1321 immediately – because you're trying to achieve the TAS by 2040. So it's not as  
 1322 if that provision bites in 2040 – no, because you're moving towards that goal in  
 1323 that timeframe.  
 1324  
 1325 O'Callahan: That's right, yes.  
 1326  
 1327 McGarry: Will it bite when consent is sought or expires?  
 1328  
 1329 O'Callahan: Can you say that again please?  
 1330  
 1331 McGarry: The 2040, somebody won't have to comply with Table 9.4. They might have an  
 1332 existing discharge or an existing activity.  
 1333 [03.10.00]  
 1334 So that won't bite for them until they have to apply for their new consent or for  
 1335 getting a new consent for the activity that they didn't previously have one for.  
 1336  
 1337 O'Callahan: My view is this is exactly the sort of plan change where the Regional Council  
 1338 should be calling all the consents in, to get them to be brought into line with this  
 1339 plan change, now basically. Once it's operative when they can do that, they have  
 1340 that power. I haven't spoken to them on whether or not they are going to do that.  
 1341  
 1342 [Nil audio 03.10.37] Council with those powers to do those sorts of things when  
 1343 we are trying to achieve catchment wide improvements.  
 1344  
 1345 McGarry: So for the purpose of our decision we can't crystal ball gaze as to whether they  
 1346 will or they won't, but that would be something that we need to be aware of, that  
 1347 without a review then the only opportunity to implement Table 4 would be on a  
 1348 consent basis as they expired. So that would be something for us to highlight  
 1349 wouldn't it, that all of this is predicated on the fact that these timeframes can  
 1350 only be met by reviewing existing content.  
 1351  
 1352 O'Callahan: There's also activities that are carrying out at the moment that will need consents  
 1353 that don't currently need consents, so it's no different in that regard. That has to  
 1354 be actioned as well.  
 1355  
 1356 Greer: The primary mechanism by which these low reductions are intended to be  
 1357 achieved is through the rural land use provisions which stages erosion control in  
 1358 accordance with the timeframes of the target attribute states certain percentages  
 1359 of erosion prone land being treated by 2030 and then 2040. I believe those are  
 1360 kind of the numbers.  
 1361  
 1362 The permitted activity provisions take into account (the notified ones - don't  
 1363 want to get ahead of the potential amendments through Hearing Stream 3). They  
 1364 are taken into account.  
 1365

1366 [Nil audio 03.12.20] that's the same table, so you can see the current load  
 1367 reductions required to achieve the TAS. For the Takapu it's reduced to less than  
 1368 10 percent.  
 1369  
 1370 McGarry: So that current won't change this year? That's the current? I'm just wondering  
 1371 when you provide that... it would be good for us to have it now, but that's not  
 1372 going to change between now and the hearing closing and us going into  
 1373 deliberations.  
 1374  
 1375 Greer: I waited to do that current state assessment up until June 2024, which is what we  
 1376 call a 'Water Year' which is almost like a Council financial year of July to June.  
 1377 We wouldn't be able to replicate and bring 2024/25 into that analysis until  
 1378 probably [nil audio 03.13.34].  
 1379  
 1380 McGarry: June 2024?  
 1381  
 1382 Greer: Yes.  
 1383  
 1384 **[Nil audio 03.13.58]**  
 1385  
 1386 ... baseline theory.  
 1387  
 1388 Chair: Baseline. But, it won't change the amount of reduction of sediment reductions  
 1389 that needed, because that's tagged to baseline.  
 1390  
 1391 Greer: It won't change the amount of sediment load reduction that was quoted from  
 1392 baseline, but the sediment load reduction that's required from current will be  
 1393 different from that.  
 1394  
 1395 Chair: I see, so that's Table 9.4.  
 1396  
 1397 O'Callahan: It's just the level of effort required is less and it's somehow achieving itself.  
 1398  
 1399 McGarry: So an applicant would get the benefit of... can you repeat what the number was,  
 1400 your current state at the moment for Takapu?  
 1401  
 1402 Greer: I will just get Mr Blyth's evidence in front of me so I don't steer you wrong.  
 1403 **[03.15.00]**  
 1404 Two percent.  
 1405  
 1406 McGarry: Two percent?  
 1407  
 1408 Greer: Two percent. That's margin of error from meeting the target attribute state  
 1409 currently.  
 1410  
 1411 Wratt: So what you're saying is that the right hand column, which is the sediment load  
 1412 reduction required from current state would only be two percent?  
 1413  
 1414 Greer: Yes, but the baseline number remains the same.  
 1415  
 1416 Wratt: So, visual clarity current state must be a lot better than 1.8 then?  
 1417



1418 Greer: It's 2.19 and the target is 2.22, so 3cm off.  
 1419

1420 McGarry: Just to talk this through, where this will be applied, or where it was reviewed,  
 1421 an applicant would go through the process and it would read in the table that  
 1422 they needed 26 percent reduction, but then they could look at the current state  
 1423 [nil audio 03.16.20].  
 1424

1425 Greer: Depending on whether they are required to do that analysis or not I'm not sure  
 1426 whether they are under the control and restricted discretionary rules that are  
 1427 currently in the provisions. But, if there was some unanticipated activity I guess  
 1428 they could do either. I would imagine that they would recalculate it from where  
 1429 they are currently to explore whether the low reductions they need to achieve is  
 1430 less or more than what is in the Table.  
 1431

1432 If I was reviewing an application that did that, I would consider that to be  
 1433 appropriate rather than inappropriate.  
 1434

1435 Chair: We'll obviously need to see how the rules look when we get to that. But, for the  
 1436 state of environment reporting, which the Council will be doing under P4 it's  
 1437 still measured against that five year baseline.  
 1438

1439 In that sense, I see it in my head that it doesn't matter if an applicant is then  
 1440 taking that back to more in line with current state. That doesn't matter because  
 1441 the Council is still aiming to get that 26 percent from the baseline.  
 1442

1443 Greer: Yes, I guess the expectation would be though that if current state had shifted to  
 1444 meet the target that that load reduction would also have been achieved and the  
 1445 requirement for consent applications to continue to strive to achieve it wouldn't  
 1446 be there.  
 1447

1448 Chair: NZTA talk about this as well, where there's a spike because there's a storm event  
 1449 or there's something that's gone on. I think they were talking about sediment, or  
 1450 they might have been talking about metals. I think it was sediment. There's more  
 1451 sediment that's being discharged because of a storm event.  
 1452

1453 Greer: I think I know where you're going with that. There's a natural variability and  
 1454 meeting the target attribute state once is not the same as meeting the target  
 1455 attribute state consistently; so what you would be looking for would also be an  
 1456 indication that the trend is also in the right direction and not just categorical and  
 1457 yes/no we achieved the target attribute state.  
 1458

1459 That's the intent of some of the footnotes to Table 9.2 and 8.4, is to note that  
 1460 maintenance and therefore by proxy, is dictated by trends and not just the  
 1461 absolute number of the attribute.  
 1462 [03.20.00]

1463 For Pāuatahanui (I will just double-check this) I do believe there has been  
 1464 improving trends at that site for the last fifteen years.  
 1465

1466 Chair: Dr Greer, is there a possibility that applicants seeking consents might look at  
 1467 current state, look at the TAS which will see the right table you're providing,  
 1468 but the TAS in many areas has already been achieved for sediment. Is there a  
 1469 chance that they'll say, "These activities are being over-regulated because



1470 sediment levels are actually looking pretty good” and the trajectory is improving  
 1471 because current state from what you’ve just said is showing an improvement  
 1472 from that five year baseline.  
 1473

1474 Greer: There will be instances where applicants look at the current state and where all  
 1475 the target attribute states are being met if they’re an existing activity and could  
 1476 justifiably ask, “Why are we being asked to improve?” It’s a reasonable question.  
 1477

1478 New activities that increase contaminant losses I don’t know if that justification  
 1479 can be made. The NPS-FM sets pretty strict criteria on what counts as  
 1480 deteriorating and degrading and it’s not about the magnitude of a degradation  
 1481 but whether you can detect it statistically through trend analysis.  
 1482

1483 The occurrence of that degradation would then require the Regional Council, if  
 1484 they can attribute it to land use, to then implement an action plan to offset those  
 1485 losses.  
 1486

1487 I don’t know if there’s a strong justification that the meeting of the TAS allows  
 1488 for increases in contaminant loads. Certainly the achievement of all TAS and  
 1489 not just sediment but making sure that the macroinvertebrate targets are met and  
 1490 the periphyton targets and everything about it, it would be valid to ask, “Why  
 1491 are we being asked to improve if we’re already meeting our objectives.”  
 1492

1493 I don’t know how in those really long term waiora objectives come into play in  
 1494 that conversation.  
 1495

1496 Chair: Thank you for that. That’s really helpful, because while the NPS-FM says if  
 1497 there’s degradation you’ll improve, and if you’re meeting the TAS you maintain.  
 1498 I think I understand these provisions from the point of view of if it’s measured  
 1499 against the baseline, but I’m just questioning my understanding if it’s measured  
 1500 now against the current state, because then you could potentially go from having  
 1501 an ‘improved’ requirement on you to a ‘maintain’ and then is there plan  
 1502 uncertainty for people?  
 1503

1504 Greer: Over a life span of a plan that’s designed to achieve the target attribute state I  
 1505 guess there will always be that shift. If you do ultimately meet your objectives,  
 1506 we go from needing an improvement to needing to maintain and potentially end  
 1507 up in a situation where there’s headroom. I guess that’s kind of industry’s goal  
 1508 is that we’re forever fully allocated. I don’t know how that’s dealt with, but from  
 1509 a scientific perspective my understanding is that the targets are what is desired  
 1510 and not the direction of change necessarily. Once the targets are met you don’t  
 1511 have to stay on the same pathway of direction of change.  
 1512

1513 McGarry: One for you Ms O’Callahan. I’m just trying to imagine how this would rollout.  
 1514 You talked about the review as one potential mechanism for existing.  
 1515 Presumably part of that advice to the Council would be targeting those  
 1516 catchments that have the largest issue and potentially the largest number of  
 1517 existing consents that have the largest number of contributors.  
 1518

1519 [03.25.00] So it wouldn’t be a matter of PC1 come along and all consents need to be  
 1520 reviewed? Again there would be some kind of prioritisation advice to the

- 1521 Council to try and meet TAS in the fastest possible way, picking off again sort  
 1522 of the lowest fruit perhaps.
- 1523
- 1524 O'Callahan: That's certainly how I would tackle it, yes.
- 1525
- 1526 Chair: I guess for me anyway it's just thinking about it differently. You've got a  
 1527 dynamic and changing environment and yet the plan provisions are fixed. The  
 1528 condition of the environment is changing. I'm just thinking about the  
 1529 responsiveness to that and for consent applicants I would have thought that they  
 1530 would need to know when they're lodging their consent application if they are  
 1531 complying or not.
- 1532
- 1533 I'm just trying to understand – it seems that there's a dynamic planning  
 1534 framework that they're going to need to understand; so when they lodge their  
 1535 consent application it's very clear to them if they are meeting these provisions  
 1536 or not.
- 1537
- 1538 Maybe I'm overthinking the current state data.
- 1539
- 1540 Greer: I don't think you are. I think the Regional Council is going to have to provide  
 1541 reporting on when they consider a target attribute state should be met; like the  
 1542 point at which they consider it to be met to help inform consent applicants,  
 1543 because there's no point on every consent application having a battle over  
 1544 whether the target attribute state is met or not.
- 1545
- 1546 The Council is going to have to develop some of their own guidance on how  
 1547 they will assess whether the target attribute state is met. Some of that work has  
 1548 already been done. The initial footnotes to Tables 8.4 and 9.2 were very long  
 1549 and technical. Some of that work has already been done.
- 1550
- 1551 There is definitely going to have to be a point at which the Regional Council is  
 1552 the one that determines whether the targets are met. It was my understanding  
 1553 that some of the amendments to s35 of the RMA were around that – so  
 1554 mandatory reporting every five years. That would be the obvious point at which  
 1555 you would say, "We are meeting or we are not meeting."
- 1556 McGarry: Some of it is the answer you just gave us before, as in it's the trend that's  
 1557 important and not getting focused on what we are today or this year. Because  
 1558 the Regional Council will also have other information about storm events and  
 1559 what's happened in that year to be able to distinguish a trend, won't they?
- 1560
- 1561 Greer: Yes. The Regional Council will have to consider whether the target attribute  
 1562 state has been met, whether there is a positive trend or whether that's just  
 1563 fluctuation, and whether that trend can be attributed to land use and the factors  
 1564 that are being regulated and not just a climatic anomaly before they would say,  
 1565 "Yes this target attribute state is being met."
- 1566
- 1567 I imagine it would be a long way up the target attribute state is being met before  
 1568 they would confidently be able to say (and I'm talking decades) that there is  
 1569 headroom.
- 1570

1571     **Kake:**             Just one question and it's going back to Objective P.O7 but it's also around  
1572                             [03.29.26] a new objective that was provided for through the rebuttal I'm  
1573                             assuming.  
1574  
1575                             The note underneath that is with respect to sub-clause of the Objective is only  
1576                             intended for state of the environment reporting.  
1577  
1578                             Then it goes further to say that "the consent applicants do not need to  
1579                             demonstrate their activities align with this objective, and it can be demonstrated  
1580                             that target attribute states will be met within the timeframe prescribed for that  
1581                             target."  
1582     **[03.30.05]**             I'm just wondering – so that note there only applies to sub-clause (a) because  
1583                             it's a state of the environment objective.  
1584  
1585                             Then clause (b) with reference to Table 9.2 is directing consent applicants.  
1586  
1587     **O'Callahan:**         That's correct, your interpretation of the intention there. I didn't want the "no  
1588                             deteriorating trend" to become a focus for consents by 2030. It's like the 2030  
1589                             one is really a bit of a tick-boxing one, to have the ten yearly timeframes.  
1590  
1591                             Certainly when the targets are longer than what was intended by the WIP, it's  
1592                             very important that the timeframes for 2050, the interim steps, be there. This one  
1593                             only refers to 2050 because 2050 is as late as it gets in Porirua. The clause is  
1594                             slightly different in the equivalent objective in the Te Whanganui-a-Tara  
1595                             Whaitua.  
1596  
1597                             The consent applicants definitely there are material targets that need to be met  
1598                             at that time.  
1599  
1600     **Chair:**             Thank you very much Ms O'Callahan. I think that leaves one more issue for the  
1601                             ecosystem health report. Maybe we'll just ask Dr Melidonis. I think you have  
1602                             done the presentation part haven't you of your evidence.  
1603  
1604                             This is load reductions for Te Awarua-o-Porirua.  
1605                             Does anyone have any questions for Dr Melidonis on that?  
1606  
1607                             Dr Melidonis, your rebuttal statement is I found very useful in emphasising the  
1608                             need to take a close look at the particular environment. You point out that there's  
1609                             a submitter who has talked about a situation happening in a coastal area in  
1610                             Tasmania and how you can't go, "What's happening there..." and equate that to  
1611                             Porirua.  
1612  
1613                             I just found that a very useful description in your evidence.  
1614  
1615                             We talked yesterday about the natural sedimentation rate and that's really the  
1616                             main driver for the change from the notified provisions regarding sedimentation  
1617                             reduction.  
1618     **[03.35.10]**             But, you say in paragraph 10 of your rebuttal that there's only moderate certainty  
1619                             around Te Awarua-o-Porirua Harbour sedimentation accumulation rate values.  
1620  
1621  
1622

1623 Do you mind just explaining that a bit more?  
 1624

1625 Melidonis: Thanks Commissioner Nightingale for your question. That is correct. The  
 1626 moderate certainty comes in when looking at the specific sites that we monitor,  
 1627 the specific sites in which sedimentation plates are currently in place.  
 1628

1629 I would suggest expanding that network to include additional monitoring sites  
 1630 under the plan if these changes are to be notified, and that would increase the  
 1631 certainty and enable us to potentially look at sub estuary level and not have to  
 1632 average values or look at mean values across inlets.  
 1633

1634 In addition, just to add, there is a piece of work that's currently underway  
 1635 commissioned by MFE looking at sedimentation rates for Porirua Harbour as  
 1636 well as other areas. That would increase certainty and improve our knowledge  
 1637 around sedimentation rates in our region and I would recommend that  
 1638 information goes into future plan changes.  
 1639

1640 Chair: Thank you Dr Melidonis. Where we got to yesterday I thought I had understood  
 1641 the revised baseline, Table 9.1 – the sedimentation current states for Onepoto  
 1642 and Pāuatahanui.  
 1643

1644 I guess my question is I thought where we got to yesterday was that Porirua  
 1645 wasn't too far off the coastal objectives, but then in paragraph 12 of your rebuttal  
 1646 you say the sedimentation rates are unlikely to be achievable under realistic  
 1647 catchment management scenarios and are likely to require wholesale land use  
 1648 change of the catchment.  
 1649

1650 Is it possible to do a bit of a recap, because I think that doesn't quite align with  
 1651 where I understood we had got to yesterday.  
 1652

1653 Melidonis: That quote that you refer to is referring the Plan Change 1 sedimentation rates  
 1654 of one in Onepoto arm and two in Pāuatahanui inlet. That's specifically talking  
 1655 about the rates as currently set out in Plan Change 1 and not the revised rates  
 1656 that we're proposing.  
 1657

1658 Chair: So when you take in the natural sedimentation rate, do you mind...  
 1659

1660 Melidonis: Mr Oldman calculated in in his evidence current estimates of 2.6mm per year  
 1661 for the Onepoto arm and 3.2mm per year for the Pāuatahanui inlet, taking into  
 1662 account the natural sedimentation rate.  
 1663 [03.40.00]

1664 Then when looking at Table 7 of my evidence on page-30, when those rates are  
 1665 adjusted from the Plan Change 1 rates, that adjusts the required load to 49  
 1666 percent in the Onepoto arm and maintain in the Pāuatahanui inlet, but as I  
 1667 mentioned in my evidence there's significant uncertainty around those values,  
 1668 because the time period used for the modelling exercise was 2004 to 2014 which  
 1669 we've moved on quite a lot from there. It's advisable in my opinion to update  
 1670 that modelling in order to increase the certainty, and until that's done my  
 1671 recommendation is to remove the baseline total loads that are currently in Table  
 1672 9.3.  
 1673

1674 It's important to be looking at the most recent five year rolling mean when  
 1675 considering sedimentation rates, as well as the trends as Dr Greer pointed out.  
 1676 What he said for freshwater is also applicable to sedimentation rates in the  
 1677 coastal environment in terms of shifting current states and how a framework  
 1678 might need to be put together in order to understand these are shifting and how  
 1679 we are tracking, and indeed we would need to look at trends.  
 1680  
 1681 It is important to note that the 2004-14 modelling is not necessarily taking into  
 1682 consideration changing climate and other effects that we are feeling at this  
 1683 current time.  
 1684  
 1685 [End of recording - 03.42.31]  
 [Hearing Stream 2 - Day 4 - Part 2]  
 1686  
 1687 McGarry: They all needed a bit more thought than just overnight. Better to go through  
 1688 some, that's useful, to make sure I've got them.  
 1689  
 1690 It wouldn't take long I don't think.  
 1691  
 1692 It might just help you to refresh. There was the one in WH.01 coastal waters  
 1693 there. The first bullet point was coastal marine area.  
 1694  
 1695 O'Callahan: Yes, I've got that one.  
 1696  
 1697 McGarry: Rewording of the "where naturally present" to...  
 1698  
 1699 O'Callahan: Where they would have occurred, yes that's right. Got that.  
 1700  
 1701 McGarry: You're going to revisit the second sentence of the note. That discussion you  
 1702 thought that it was the second sentence. Perhaps wasn't that clear, so you were  
 1703 going to rethink about that. So there wasn't a changed landed on.  
 1704 O'Callahan: No, that's not my recollection. Did you have some wording there that you were  
 1705 preferring, because I don't have a note for that one?  
 1706  
 1707 McGarry: I haven't recorded any wording that we got to there. You were going to  
 1708 reconsider that note. I think that was the discussion with Commissioner  
 1709 Nightingale.  
 1710  
 1711 O'Callahan: I think I've reconsidered and I'm happy with it as it is.  
 1712  
 1713 McGarry: I think it was just removing the word that hadn't been deleted.  
 1714  
 1715 O'Callahan: That's right, in (c), yes I've got that one.  
 1716  
 1717 I've definitely got one in (e), little clause (1) in WH.09. That's the next one I  
 1718 have got.  
 1719  
 1720 McGarry: Yep, got that one.  
 1721  
 1722 O'Callahan: I've got one in P.02. I need to delete. I just need to change that bottom clause.  
 1723

- 1724 McGarry: P.01 there was a question about whether the second bullet point should there be  
 1725 the “[03.23] restored and harbour sedimentation and contamination is reduced.”  
 1726 That was a question. I’m not sure if we landed anywhere.  
 1727
- 1728 O’Callahan: Well I don’t think it should be contamination because that would have been a  
 1729 reference to the metals which is not sought.  
 1730
- 1731 McGarry: Are you doing both by reducing the sediment? Even though one is slightly still  
 1732 increasing.  
 1733
- 1734 O’Callahan: No, no, that is the evidence that you heard yesterday with Mr Oldman, Dr  
 1735 Melidonis and Dr Wilson around eco-toxicity. We don’t need to have that offset  
 1736 in metal load reduction.  
 1737
- 1738 McGarry: My understanding of the evidence is through reducing the sedimentation you  
 1739 will reduce the contamination, but it will still slowly increase in the sediments  
 1740 over time, because you’re not capturing all the dissolved, all of the metal in the  
 1741 system. So I thought that objective should reflect that you’re doing both.  
 1742
- 1743 Greer: No, it was kind of in the opposite direction – by reducing sedimentation you  
 1744 slowly increase the rate that sediment metals accumulate. There’s no additional  
 1745 eco-toxicological risk associated with that increase. Reduction of sedimentation  
 1746 increases sediment metals and not reduces them.  
 1747
- 1748 McGarry: That third bullet point Ms O’Callahan, that was one you wanted to remain  
 1749 “coastal water environments” – the third bullet point?  
 1750
- 1751 O’Callahan: Yes. I’m still thinking about that in the equivalent WH.01. We talked about the  
 1752 coastal marine area but I’m just wondering if I get the language across a bit more  
 1753 consistent.  
 1754 We’ve got the P.02 one at the bottom and then it's just the Table 8.5.  
 1755
- 1756 McGarry: P.02 you’ve put the (j) has gone, the last one?  
 1757
- 1758 O’Callahan: That’s right, yes.  
 1759
- 1760 McGarry: And, the “and” on the end of (h)?  
 1761
- 1762 O’Callahan: Yes.  
 1763
- 1764 McGarry: “Better loads”, you’ve got that one. You’ve got the “more”.  
 1765  
 1766 I’m in P.03 now which was Dr Melidonis and the first bullet point was fish and  
 1767 tidal and benthic. You’ve got that one?  
 1768
- 1769 O’Callahan: Yes. I’ve split it out over two bullet points just to make a lot easier reading. I’ve  
 1770 got the inter-tidal and benthic and I’ve got the fish. That’s in that draft I’ve given  
 1771 you.  
 1772
- 1773 McGarry: You’ve just got the two notes to go on the 8.5 and the 9.4 which we just talked  
 1774 about this morning.  
 1775



1776 O'Callahan: Yes.  
1777

1778 McGarry: That's all I have recorded, so you've got them all.  
1779

1780 O'Callahan: I've got them all. I think it's probably best not to put that one up online. I just  
1781 need to fix these other ones up tonight and we'll date it for today. I'll document  
1782 it tonight properly. I'm taking my paper home and doing it all. Or, I might be  
1783 able to do it now, this afternoon. I'll be here, but I'll just then need to find a  
1784 printer.  
1785

1786 I think you understand we just need to be able to do it in a way that's  
1787 communicating to the other parties. None of it is particularly material.  
1788

1789 Chair: Thank you. Good for everyone to be working from the same version.  
1790

1791 O'Callahan: Yes. I think maybe just put those ones aside in the bin perhaps, and we'll do it  
1792 properly. I'll do it properly. Sorry about that.  
1793

1794 Chair: Sorry, just before wrap up, I did have one just while we have Dr Melidonis here.  
1795 Just as I was refreshing and preparing for NZTA who are presenting this  
1796 afternoon, they say in their evidence Dr Melidonis, they talk about their coastal  
1797 discharges from their state highway network. They have done some monitoring  
1798 as they are required to do, I think under the operative provisions, of their metals.  
1799 I think their evidence is that there are some elevated levels.  
1800

1801 My question is, I understand that for Te Awarua-o-Porirua the metal TASs are  
1802 being well met. Current levels are well below the TAS. My question is, as I  
1803 understand it, the incentive for them and anyone else that's discharging directly  
1804 or indirectly into the coast, is through the specific rules that regulate their  
1805 discharges.  
1806 [00.10.00]

1807 Now that we're at the point where we are removing from Objective P.03 the  
1808 reference to metal loads entering the harbour arm catchments being significantly  
1809 reduced. Sorry, I don't know if you have that provision in front of you. I could  
1810 pass you up my copy.  
1811

1812 It talks about the health and wellbeing of ecosystems and to achieve coastal water  
1813 objectives, sediment loads entering the harbour are significantly reduced and we  
1814 are now looking at removing the requirement for metal loads to be significantly  
1815 reduced.  
1816

1817 I'm actually just now wondering if that's sending the wrong signals.  
1818

1819 O'Callahan: I think it's probably better that I answer that question. I have been wondering  
1820 that myself. Because we have now ended up in less of a state of the environment  
1821 objective here with everything we have put into the bottom clause, and that was  
1822 a very early on recommendation that I landed on. I think possibly the time is to  
1823 make it clear that that's talking about metals and talking about eco-toxicity  
1824 effects at the discharge point. There's some wording improvements that could  
1825 go in there and it could just go at the bottom, like the other ones. It's probably  
1826 better if it's later on, because then we're in a way that is trying to distinguish  
1827 between the state of the environment and the immediate areas.



1828  
 1829 I'm happy to look at that tonight.  
 1830  
 1831 Chair: Thank you very much. I just wondered if Dr Melidonis had from a scientific...  
 1832  
 1833 O'Callahan: I think she's nodding. I'm not sure. We'll let her talk.  
 1834  
 1835 Melidonis: When you saying "tasks" were you actually referring to the coastal objectives?  
 1836 Okay.  
 1837  
 1838 Yes, I do agree that potentially that wording needs to be amended. I agree with  
 1839 Ms O'Callahan's assessment on that, so we can discuss further in the break. Yes,  
 1840 clarify that it's the coastal objectives. That makes it clear.  
 1841  
 1842 Chair: Yes, sorry. It was really not so much the provisions but just at a higher level I  
 1843 understand that despite what the current levels the signals are, that if you're  
 1844 discharging your discharges are getting into the coast and they include  
 1845 contaminants, the signal is you need to be looking at how to reduce those. And,  
 1846 that amendment that we made yesterday was reversing that signal.  
 1847  
 1848 Greer: I think I will just help NZTA out here a bit. I don't think they're suggesting that  
 1849 they have hot-spots at their points of discharge. Their comments are more in  
 1850 relation to the difficulty in using the [13.22] based stormwater samples to  
 1851 compare to the coastal objectives.  
 1852  
 1853 My understanding is that they have in water column measurements of dissolved  
 1854 copper and zinc during stormwater discharges. They don't have sediment metal  
 1855 concentrations as yet. Well, they may have it but they don't discuss it in this  
 1856 evidence.  
 1857  
 1858 Their conversation around their monitoring data was more about the difficulty  
 1859 in applying the objectives for end of pipe standards rather than identifying that  
 1860 they specifically have issues.  
 1861  
 1862 Melidonis: Yes, correct. I think they do hold some sediment metal data but that's more from  
 1863 sediment traps and not comparable to our state of the environment monitoring  
 1864 data, as is already directly...  
 1865  
 1866 Chair: All okay?  
 1867  
 1868 O'Callahan: We'll have a look at it. It's still going to be, I imagine, a reasonably unhelpful  
 1869 objective in terms of it's just going to be requiring reduced like that is, but maybe  
 1870 we'll see if we can define it more as an outcome. At the time I thought that we  
 1871 had more state of the environment outcomes than what we've actually ended up  
 1872 with in the recommendations.  
 1873 [00.15.00]  
 1874 That's because generally you come on this big journey and then you realise that  
 1875 actually the water is okay at the state of environment for this. At the time it was  
 1876 very much about the localised effect, which is not the basis of these objectives  
 1877 at a philosophical level, but in the case with the coastal waters seems to be where  
 1878 it's having to end up.  
 1879

1880 Chair: Thank you very much Ms O’Callahan, Dr Greer, the whole Council team, Ms  
 1881 Manahara. We really appreciate it. It’s been three and a half very full days of  
 1882 hearing from you all. We hugely appreciate it all the information and the  
 1883 thoroughness with which you have answered all of our questions.  
 1884  
 1885 Ms O’Callahan, as you said, referred to the journey. The journey is going to  
 1886 continue this afternoon, Friday and Tuesday as we hear from submitters. We will  
 1887 look forward to that. Thank you again very much.  
 1888  
 1889 We will be back at 1.30pm. Thanks.  
 1890  
 1891 [Hearing Adjourned – 16.20]  
 1892 [Hearing resumes – 01.03.50]  
 1893  
 1894 Admin: Just for our new audience members I will just quickly revisit the health and  
 1895 safety facilities and just some of the admin stuff.  
 1896  
 1897 In the event of an emergency and alarms going off, the nearest exit is straight  
 1898 down the stairs outside of the doors here and then you just follow straight to the  
 1899 sliding door exit next to the restaurant seating area on the other side of the big  
 1900 flower statue.  
 1901  
 1902 Please follow any instructions provided by the wardens in their fluorescent coats,  
 1903 in the case if that happened.  
 1904  
 1905 For AV the microphones for submitters are controlled by our AV technician, so  
 1906 just speak into them and they’ll be turned on as needed. The clicker receiver is  
 1907 behind the submitters, so if it’s not working when you’re putting forward just  
 1908 trying clicking it backwards. For any Wi-Fi needs the password and the Wi-Fi  
 1909 name is just on that sheet of paper on the submitters’ desk.  
 1910  
 1911 Finally, we’ve got a bell. The bell will sound one chime for ten minutes left in  
 1912 the submitter speaking slots, and two chimes when the speaker submission slot  
 1913 is finished; however, the Commissioners may continue to ask questions past that.  
 1914 [01.05.20]  
 1915 Thank you so much.  
 1916  
 1917 Chair: Tēnā koutou katoa. A very warm welcome. Ko Dhilum Nightingale tōku ingoa.  
 1918 [Māori 01.05.38]. My name is Dhilum Nightingale. I am a Barrister in Kate  
 1919 Shepherd Chambers and an Independent Hearings Commissioner. I live in  
 1920 Tapateranga in Te Whanganui-a-Tara Wellington. Nau mai haere mai. [Māori  
 1921 01.05.55].  
 1922  
 1923 A very warm welcome to Te Rūnanga o Toa Rangatira. We’ll do some  
 1924 introductions and then we’ll pass over to you. Thank you.  
 1925  
 1926 McGarry: Kia ora. My name is Sharon McGarry. I am an Independent Commissioner based  
 1927 in Ōtautahi Christchurch.  
 1928  
 1929 Kake: [Māori 01.06.18]. Independent Commissioner and Planner. Privileged to be in  
 1930 this room with you all today. Tena tatou.  
 1931

- 1932 Wratt: Kia ora. Ko Gillian Wratt tōku ingoa. I'm Gillian Wratt. I'm based in Whakatu  
1933 Nelson and am an Independent Commissioner.  
1934
- 1935 Stevenson: Ngā mihi nui kia koutou. Ko Sarah Stevenson tōku ingoa. I'm an Independent  
1936 Planner and Commissioner based in Te Whanganui-a-Tara Wellington. Nau mai  
1937 haere mai.  
1938
- 1939 Chair: Welcome. We have read your submission and over the course of the last few  
1940 days as well we've been looking more closely at the Whaitua Implementation  
1941 Plan and all of the hard work over a long period of time - through that process.  
1942 We will hand over to you for your presentation and then if you're happy to take  
1943 questions after that. Thank you.  
1944
- 1945 **Te Rūnanga o Toa Rangatira**  
1946
- 1947 Jada: Tēnā koutou. Thank you for the opportunity to speak at the hearing today. Ko  
1948 Jada tōku ingoa. [Māori 01.07.55] I work at Te Rūnanga o Toa Rangatira as a  
1949 Resource Management advisor. I am here with Robert and Russ who I will pass  
1950 it to them to introduce themselves.  
1951
- 1952 Robert: Kia ora. Thanks for having us again after the Hearing Stream 1. Robert McLean,  
1953 Principal Advisor for Te Rūnanga o Toa Rangatira.  
1954
- 1955 Russleigh: Ngā mihi. [Māori 01.08.25] tōku ingoa. [Māori 01.08.29]. I'm scientist at ESR.  
1956 Great to be here to support this kaupapa. Kia ora.  
1957
- 1958 Stuart: Tēnā koutou katoa. [Māori 01.08.47]. Senior Environmental Policy Advisor for  
1959 Te Rūnanga o Toa Rangatira. Ngā mihi [Māori 01.08.57]. Kia ora.  
1960
- 1961 Jada: Since Hearing Stream 1 we have signed Te Wai Ora o Parirua, which is the  
1962 Porirua Harbour Accord. We signed that at Takapūwāhia Marae on the 6<sup>th</sup>  
1963 February this year to gain an insight about the Harbour Accord.  
1964
- 1965 We are going to show a video that was presented on the day. Then following the  
1966 video we will highlight the points that we made in our statements, which was  
1967 filed on the 14<sup>th</sup> of March. Then Russ is going to give a short presentation on our  
1968 cultural health monitoring work that we have done, and that we were asked about  
1969 in Hearing Stream 1. We will show the video now.  
1970
- 1971 [Video played – 01.09.45]  
1972
- 1973 [01.10.00] Jada: Now we are going to talk to the points that we raised in the statement submitted.  
1974 This was our initial comments on the proposed changes as recommended in the  
1975 s42A reports.  
1976
- 1977 In our submission and presentation at Hearing Stream 1 we expressed our  
1978 support for positive regulatory outcomes, including limits, target attribute states  
1979 and coastal water objectives, which provided clear direction for the restoration  
1980 of mauri and cultural health.  
1981
- 1982 Robert is going to talk about Objective P.02.  
1983

1984 Robert: Thanks Jada. Just going to page-4 of our statement, we're just going to go  
 1985 through and as Jada said highlight a few points.  
 1986  
 1987 On page-4 we talk about that objective P.02, about the maintenance of natural  
 1988 form and character, including an increase in riparian vegetation. Just to say, this  
 1989 objective is really important. I mean, they're all important, but this is important,  
 1990 especially when we've got a harbour dominated by reclamations, roads and  
 1991 railway – and that's devoid of natural form and character. And, I guess you can't  
 1992 have indigenous riparian vegetation in places where those streams have been  
 1993 piped.  
 1994  
 1995 We would like the plan to contain dedicated targets to achieve that natural form  
 1996 and character in that indigenous riparian vegetation.  
 1997  
 1998 Just going to pages-5 and 6.  
 1999  
 2000 Jada: This is for Objective P.03 which sets the coastal quality for Te Awarua-o-Porirua  
 2001 in the open coast. We note that the five year sedimentation rate for the harbour  
 2002 has been reduced, which reflects improved research about the current state of  
 2003 sedimentation and natural accumulation. However, we are concerned that  
 2004 reduced sedimentation targets will undermine the health and wellbeing of the  
 2005 ecosystem and habitats for Te Awarua-o-Porirua.  
 2006  
 2007 The targets for enterococci have also been amended with reduced targets for the  
 2008 Waka Ama area, the Rowing Club and the Water- Ski Club.  
 2009  
 2010 On pages-5 and 6 of our statement we highlight the importance of these sites for  
 2011 Ngāti Toa Rangatira, especially the Waka Ama area which is the harbour  
 2012 frontage of Takapūwāhia.  
 2013  
 2014 We are gravely concerned that the enterococci 2040 targets for the Waka Ama  
 2015 area, Rowing Club and Water Ski Club sites in Table 9.1A within Te Awarua-  
 2016 o-Porirua are set to low.  
 2017  
 2018 The significance of these site within the harbour should translate into a greater  
 2019 commitment to address environmental degradation, not lower standards or  
 2020 targets.  
 2021  
 2022 Considering the significance of these harbour sites and the importance of  
 2023 achieving swimmable water quality, we suggested having a two-tier target with  
 2024 an interim target for 2040 and another for 2050.  
 2025 [01.20.00]  
 2026 Robert: Just now going to page-6, just towards the bottom of page-6, the P.03 speaks  
 2027 about the diversity, abundance and condition of mahinga kai, and increased  
 2028 access for mana whenua to healthy mahinga kai.  
 2029  
 2030 It also highlights the safe use of the coastal marine area for a wide range of  
 2031 activities including Māori customary use. Russleigh Parai is going to be giving  
 2032 an insight into the cultural health of mahinga kai in his presentation, but we also  
 2033 want to highlight that the shoreline of the harbour is actually unsafe – large parts  
 2034 of it is unsafe and not accessible to roads, reclamations and the railway.  
 2035

We know that this relates also not just to Greater Wellington Regional Council but also to Porirua City Council and other agencies. Just to highlight this.

On pages-7 and 8, we noted in our statement about the E.coli attribute states have been reassessed, meaning that there's only one attribute state improvement by 2040. This apparent reduction in the target aspiration is offset by a new objective which states that by 2030 there is no further decline of the health and wellbeing of Te Awarua-o-Porirua's rivers.

While we support the aspiration, there is no supporting information in Plan Change 1 which explains what no further decline by 2030 actually means, and we are concerned about the reduction of the E.coli target attribute states for the Taupō Stream, Horokiri Stream, Porirua Stream (its name is Kenepuru Stream, but anyway) and the Waiohata which is Duck Creek. These streams are all important for Ngāti Toa, especially for mahinga kai and watercress and tuna.

Taupō Stream in particular is a highly important cultural landscape with the Taupō wetland, Taupō Pā, papakāinga, renown site for cultural harvesting and with pollution of the stream there has been a concern for the iwi since the 1970s.

Jada: On page-8 of our statement, we noted that the removal of the Policy P.P4 relating to achieving contaminant load reductions by managing land use activities and discharges into Te Awarua-o-Porirua, which include sediment, zinc and copper.

Considering that sedimentation is one of the most significant environmental issues for Te Awarua-o-Porirua and has been a focus for researchers going back to the 1970s, if there are no longer targets to reduce contaminant loads in the harbour then we are concerned about how we will manage land use and discharges to reduce these loads.

This is on page-3 of our statement, which is a summary of our comments overall. Te Rūnanga o Toa Rangatira is supportive of many of the proposed amendments and the retention of the 2100 and 2040 objectives outlined in P.01 and P.02.

These objectives originated from Te Awarua-o-Porirua Whaitua Implementation Programme and the Ngāti Toa Statement of 2019. It was the primary recommendations of these statements that the Proposed NRP be amended to include the 2040 target.

Now in 2025, we continue to stand behind the target and the level of ambition required by all agencies.

Pushing the timeframes will only shift cost to future generations and delay the restoration of Te Awarua-o-Porirua.

However, as outlined below, we are concerned that the 2040 target is being 'watered down' which will place the restoration of significant sites for Ngāti Toa at risk and continued degradation.

While there is continued uncertainty about the science, this is not a reason for inaction.

Our key areas of concerns are the reduced sedimentation targets as part of coastal water objectives; lower enterococci targets for sites within the harbour – at the Waka Ama area, Rowing Club and Water Ski Club; the lower E.coli targets at Taupō Stream, Horokiri Stream and Waiohata and Te Kenepuru Stream; and the removal of Table 9.3 which is for the contaminant load reductions.

[01.25.10]

Now I'm going to hand over to Russ to present the cultural health monitoring that we have been doing.

Russleigh:

Kia ora Jada. Ngāti Toa Rangatira in partnership with ESR implemented a long-term monitoring programme back in 2021. That was off the back or in response to a sewer pipe that leaked or burst across the harbour, from Paremata.

We mobilised and we kicked off a series of monitoring events. We started off fairly broad with grab sampling, which was Phase 1. That required us to collect about 150 cockles first.

Those are the sites that we've targeted. We collected cockles, water and sediment. We tested for E.coli and enterococci in each of those sample types.

That was great. We got some findings – Exhibit A for both E.coli and enterococci and the top red line you can see, or the top green line if you've looking at the enterococci chart are the upper limits. Anything above that is for commercial senses shall we say and not export quality.

In many cases we exceeded those contaminant levels and that was across different sites – across four separate events from blue to orange to grey to we'll call it mustard yellow. Each of those four different events across four different seasons. That stretched from 2021, November through to May 2023.

Some significant findings, but I think above all mana motuhake tino rangatiratanga was reclaiming our own right to do our own investigation to get our own data and provide that, to basically provide evidence to what we already suspected as iwi, as mana whenua.

This was in partnership. We knew it wasn't just a one-man-band or woman-band, and that was in collaboration and partnership with Greater Wellington, Porirua City Council, Wellington Water and of course the Wellington City Council.

These were quite significant events. Whānau came along as well. As you can see, capacity and capability were stretched.

Through this process and on this journey we had to get a bit smarter – smarter in the sense that E.coli tells us so much but is it coming from bird, is it coming from bovine, dog or human?

One of our capabilities at ESR is faecal source tracking to get to the source of the contamination. You will see those figures there from a small person to a larger person indicates a level of human faecal contamination, or bird contamination. True to form, we know there's a big population of swans in Motukaraka which is in the top right hand corner – you will see that bird. That's



one of our mahinga kai sites that we have been monitoring from and sure enough that came up in the results.

So fairly accurate and fairly on-point. The one in the middle of the screen at the bottom is rather a large person which indicates the level of human faecal. Again, that's in our little corner, our little haven outside our marae next to Whitirea Polytech; and again something we already knew that there was a significant discharge of human faecal waste coming in at that corner.

So we're getting smarter. We can't afford to send a whole tribe out there to monitor every season, and so ESR have brought in the passive sampler. This was used during the Covid days in wastewater systems as part of that surveillance at the time to pick up the Covid virus. We wanted to test it to see how accurate it was in marine environments as well as freshwater.

[01.30.10]

To marine and Te Awarua-o-Porirua our harbour, we conducted a year-long project last year and we rolled that around for this financial year as well. That ends June of 2025.

Long-story short is we wanted to see how accurate these were and the results showed that they were on par with the cockle samples. So instead of 360 cockles we narrowed that down to 30 cockles per site. Again, a lot more sustainable in terms of stocks, but also doesn't require the same sort of capacity or human power to actually do the monitoring.

These proved to be quite telling. They also picked up Norovirus as well. Norovirus is gastroenteritis. And, at all sites and all events we picked up Norovirus and that was through both the grab-sampling phase 2021-23, as well as the next phase of monitoring the smarter and more efficient way using passive samplers.

In New Zealand it's quite frequently present in recreation shellfish. We all tend to get it at one stage or another unfortunately. Preliminary data showed that presence, as I said, picked up in the passive sampling.

This was to inform iwi. This was for them to make the decisions to enable those communications to go and let whānau know definitely don't go collecting cockles. And, that's all part of the results and the communication process.

I guess some side-notes in the blue there are factors influencing water and shellfish quality – obviously the infrastructure ageing, wastewater, stormwater and climate change.

This is our results for the first year 2023-24. Positivity across all sites and sampling dates for pathogens and indicators. So we weren't just targeting one particular pathogen, Norovirus; we used human faecal markers. One was called CrAssphage and the other one was PPMoV. These are the markers that we used to pick up the human faecal contamination.

You can see, if we compare cockles with [01.33.09], the blue with the orange, that it's pretty much like for like. Above all it detected the actual DNA marker for human faeces. That to us was a win and it showed that we could moving

forward with confidence rely on the passive samplers for ongoing monitoring. Again, more efficient, more cost-effective and doesn't require, and the capacity issue was also sort of covered as well.

I guess one of the other findings also is that last point. E.coli is not a predictor of human faecal contamination or viral pathogens. But, what we did find, was when E.coli was less than 260mpn (most probably number) per 100ml Norovirus and Rotavirus and CrAssphage was always detected.

So, you only needed basically small amounts of these particular viruses or markers to be present to have some sort of impact. And, we all know, or if we don't know, we know that Norovirus is highly contagious and you don't need much exposure to it to actually contract Norovirus.

Aichivirus was also picked up – the first in New Zealand as far as we are aware, at ESR. That's from our leading scientist who is also one of the feminine specialists and experts in Norovirus kaupapa. Adenovirus detected more using passive samplers in shellfish – so that was interesting as well. From the 30 cockles versus the passives, the passives were more sensitive to this particular adenovirus.

[01.35.30]

In summary, and obviously we're not just talking about contamination – it is what it is and it's fairly obvious that it's there, but it's how we're able to monitor moving forward. This has been part of our, I guess, success story to date, over the last four years almost, and how we've become a lot smarter, a lot more efficient in terms of how we monitor going forward.

These passives are proving quite successful – easy to deploy, flexible, scalable, etc.

Demonstrated use in non-wastewater environments; so not just wastewater but now marine and we have also tested these with success in the freshwater tributaries as well that flow into Te Awarua.

Recovery of targets, meaning being able to extract the DNA for these particular targets.

CrAssphage is common in study area at highest levels. So out of all the markers CrAssphage always come up with the highest levels of concentrations compared to the others, which means going forward. Instead of using three or four markers we can just rely on this one single marker again.

Freshwater – these are the streams that we are targeting. There's been a couple of burst pipes down in Bothamley or Kenepuru Iti. We picked that up through the passives. The other stream [37.27] proved and showed us that there was a method to the madness in going back from the corner of Tangarere, our little haven next to our marae, next to Whitirea where we picked up the highest levels of faecal contamination going back into the freshwater streams to see where the source is coming from, and sure as eggs we found at least one of those sources.

That's been recorded. Wellington Water have reacted to that and now we are looking for work closer together to get that fixed permanently – that is the pipes.

2244  
2245 So those are the results. I don't need to go through that, other than to say we  
2246 have the data and it speaks volumes. We've also exacted cultural health  
2247 assessments as well.  
2248  
2249 Mātauranga Māori is a very scared space to us. We are still recovering that space.  
2250 We need time to recover that space. We don't know everything – just like  
2251 western science; but two heads are better than one we say. If this was used back  
2252 in the days with our tūpuna then there must have been some degree of success if  
2253 our cousin could go into the water, or my uncle's dad could go into the water  
2254 and fix his sore back then, as per the film earlier.  
2255  
2256 Kia ora.  
2257  
2258 Jada: That is everything we wanted to talk to. We're happy to take questions.  
2259  
2260 Chair: Thanks very much. That was an excellent presentation. We learnt a lot.  
2261  
2262 Stevenson: Kia ora. Thank you for that presentation along with your original submission  
2263 and additional information. It was very clear. Thank you.  
2264  
2265 I'm interested in the important sites you've mentioned around Taupō Stream and  
2266 Duck Creek and particularly their importance for mahinga kai and with previous  
2267 officers and presentations we've had quite the discussion about mahinga kai.  
2268 [01.40.00]  
2269 In terms of restoring mahinga kai what in your view would make the biggest  
2270 difference in restoring that in a way that can be reflected in the plan; so thinking  
2271 targets – if you can suggest any or just generally a way that the plan could better  
2272 reflect mahinga kai values.  
2273  
2274 Russleigh: Just quickly before Robert jumps in – we've been talking about human faecal  
2275 contamination and I think to us, the iwi, and a big part of why we stepped in  
2276 after the burst in 2021, was that human faecal. It's probably the most offensive  
2277 type of contamination. We've been doing micro-plastic surveying as well and  
2278 other forms of sedimentation etc. but the human faecal is number one.  
2279  
2280 I see with the submissions and so forth in the plan is based on E.coli, enterococci.  
2281 Enterococci by the way is probably a bit more reliable in marine environments,  
2282 given that it's longer lived. But, to the human faecal issue, that would certainly  
2283 need to be addressed – if iwi have any confidence going back into.  
2284  
2285 I'm a seventies boy. I grew up with my dad. We were the last to put the net in  
2286 the harbour. Once you've found out and the signs went up that there was tūtae  
2287 in the water that was it. So we haven't been back since.  
2288  
2289 If that stigma is removed we go a long way to I guess returning back to our  
2290 customary practices. Kia ora.  
2291  
2292 Robert: I was actually also a seventies boy but I would just support that, as Russleigh  
2293 has said. I would also that there's probably a range of things together, and there's  
2294 probably not one silver bullet, but definitely access is an issue; lack of riparian

2295 vegetation; lack of actual natural shoreline. I think they all contribute towards  
 2296 loss of mahinga kai as well.  
 2297  
 2298 Kake: Tēnā koutou, tēnā koutou. The presentation on the Accord and everything  
 2299 obviously speaks very closely, I suppose, just with respect to what we have been  
 2300 reading. I'm not sure if you guys have been following the discussions over the  
 2301 last few days, but we have just had about three and a half days' worth of science  
 2302 spoken to us. I am not a scientist. I have learnt a lot through the process, and I  
 2303 suppose the process now is understanding how to apply that science through the  
 2304 plan - the plan making process that we're grappling with at the moment.  
 2305  
 2306 The concept of mahinga kai, picking up on the question, [Māori 01.43.24] – that  
 2307 is a whakaaro Māori. And, what we have been hearing is that to quantify the  
 2308 inclusion of the mahinga kai there needs to be data from the science perspective  
 2309 in the target attribute state.  
 2310  
 2311 I suppose my question is, is a qualitative description enough to be able to  
 2312 measure how well mahinga kai is doing. Do we need both? Sometimes we don't  
 2313 want people to know where our mahinga kai sites are, because we don't want  
 2314 them to get the best pūhā, watercress or [Māori 01.44.10].  
 2315  
 2316 We're looking at the narrative of some of the objectives which will end up being  
 2317 state of the environment objectives. Then we're looking at the target attribute  
 2318 states, which would be the quantifiable measures based on the scientific  
 2319 evidence.  
 2320  
 2321 That's the gap in my head at the moment, because it's provided for under the  
 2322 operative plan, under particular objectives, but it hasn't transferred through this  
 2323 plan change process as such.  
 2324  
 2325 Your perspective and your mātauranga with respect to the whakaaro [Māori  
 2326 01.44.50]?  
 2327  
 2328 Russleigh: I hear you. I think it has been front and centre. Manaaki tangata in my view is  
 2329 bringing the best version of ourselves to the table. There's the kaupapa over  
 2330 there.  
 2331 [01.45.10]  
 2332 So we need to work collaboratively together – stakeholders and all parties, but  
 2333 also the quantitative and the qualitative.  
 2334  
 2335 The culture health assessment, we probably just touched on that briefly. We have  
 2336 added a ranking or a rating order to get some quantifiable data with that. But, I  
 2337 think to your point is, culture health assessment plus the western science data  
 2338 combined work well. I think this demonstrates how we have done that.  
 2339  
 2340 There's not much that we have offered or doesn't seem like much and yet we're  
 2341 going 360 back in time to pull back what we knew back then that worked, if that  
 2342 makes sense. We're having to rely on mātauranga Māori and yet it's not a full  
 2343 body of knowledge because we have lost so much of it.  
 2344  
 2345 So that's part of our challenge and we acknowledge that; in the same way that  
 2346 western science also doesn't have all the answers. Yes you can tell us so much,

2347 but back 180 that's where that cultural health assessment and that mātauranga  
 2348 Māori comes in and the memories. The film picks up on that, of what it used to  
 2349 be.  
 2350  
 2351 There used to be a beach there with sand. My dad and his cousins they'd lay out  
 2352 on the sand in the summer. We can't see any sign or evidence and "Rubbish,  
 2353 rubbish, there wasn't sand here."  
 2354  
 2355 It's a mess. It's reclaimed land. Where the Titahi Bay highway is used to be  
 2356 harbour. There used to be a stingray nursery.  
 2357  
 2358 These things we know. There's qualitative data. I don't know if this answers  
 2359 your question but the whakaaro is deep. We are at a point now where we're not  
 2360 about pointing the finger; we're about working together. Those best spots, we  
 2361 know where they are, but we're about sharing – just so as we are about data  
 2362 sharing.  
 2363  
 2364 I can go on.  
 2365  
 2366 Kake: That's okay. It answers another question I had which is in relation to some  
 2367 particular wording that has come through over the last couple of days.  
 2368  
 2369 I suppose just heading to the point: mana whenua want to do the monitoring in  
 2370 partnership with Council and not have Council do it on behalf of mana whenua.  
 2371 In partnership.  
 2372  
 2373 Russleigh: Aē. Yes. I think it's pretty much been that way for the last few years eh Robert?  
 2374  
 2375 Robert: Yeah.  
 2376  
 2377 Russleigh: Yeah, we're one big happy family.  
 2378  
 2379 Kake: Just going back to the Accord if I continue with some of the questions I've got  
 2380 – the Accord signed on the 6<sup>th</sup> of February has some pretty strong wording  
 2381 around partnerships and the collective role of a number of agencies. Hearing the  
 2382 kōrero today it is not just one person's job I suppose, or one agency's job; there  
 2383 is a collective requirement now to fix some of these issues that are pretty clear.  
 2384  
 2385 In the Accord there are some certain principles, some certain objectives and then  
 2386 it goes into resourcing and implementation. I suppose I'm looking at the  
 2387 regulatory in the implement... we've got s33, s36(b) with respect to JMA's  
 2388 (Joint Management Agreement). I suppose what we are trying to understand is  
 2389 whether the plan is reflecting these aspirations enough on behalf of mana  
 2390 whenua.  
 2391  
 2392 Robert: I think that's a really good question. I think that the Accord is going to set up a  
 2393 plan for the future, an action plan, which will have non-regulatory and regulatory  
 2394 and collective ownership of the issue.  
 2395  
 2396 It will probably drive a new plan of the future in terms of the RMA, or whatever  
 2397 the future RMA looks like. It probably won't be as reliant on regulation. It's

2398 probably in that non-regulatory space, where we'll probably find the biggest  
 2399 ones.

2400 [01.50.00]

2401 I think the current objectives of this plan change and the associated policies do  
 2402 align very closely and do align very tightly with the aspirations of the Accord.  
 2403 It's probably just the next generation, the next iteration of a Whaitua type process  
 2404 that will again lead through a future plan change, or a future whatever that will  
 2405 be in the future.

2406

2407 Are we out of time?

2408

2409 Kake: I've just got one last quick one, just because it has been struck out and there has  
 2410 been a submission point from Ngāti Toa on feeling comfortable; is Objective  
 2411 P.02 there is a particular clause (e) and at the moment it's being proposed to be  
 2412 removed. That speaks to the huanga of mahinga kai in particular locations in  
 2413 Schedule B, which are [Māori 01.51.07]. You've touched on some of those sites.  
 2414

2415 I suppose just getting a gauge of that level of comfortability, in terms of that  
 2416 being removed, because it's also in other parts of the plan still too.

2417

2418 Robert: I'm pretty sure we were comfortable with the change as amended I think there  
 2419 was a little bit of duplication in the original wording. I just can't set my eyes on  
 2420 it at the moment.

2421

2422 Kake: It's because it didn't also come from mana whenua, so we wanted to check.

2423

2424 Robert: I think that change was okay.

2425

2426 McGarry: This is sort of a high level question, but if I could bring it down to say Waka  
 2427 Ama where it's been rolled back to the 50 percent improvement in the reporting  
 2428 officer's recommendation; that has been the balancing of the costs to the  
 2429 community. I know it's very difficult to put a cost on being able to collect  
 2430 mahinga kai or swim in your harbour, so I'm not ignoring that in asking my  
 2431 question, but obviously if there were rate rises in the order of 60 or 70 percent  
 2432 and things like this, some of the numbers you see in Mr Walker's evidence,  
 2433 obviously that would affect your people directly, financially.

2434

2435 I just wonder how in your minds – I know you're not happy about that balancing  
 2436 of affordability with that stepped approach, with the 50 percent. I just wonder  
 2437 how you've wrestled with those things in your own minds, as to how your people  
 2438 as ratepayers can afford the kind of increases if that wasn't rolled back to a 50  
 2439 percent.

2440

2441 Robert: That's a good question. Russleigh was talking about mahi [Māori 01.53.23] and  
 2442 the pollution of that stream and finding traces of pollution in the coast and then  
 2443 tracking back to find the source. Then ringing up Wellington Water to come and  
 2444 solve it.

2445

2446 I think with a lot more targeted investigation the costs on the community may  
 2447 be not as great. That's what my feeling is, with the more targeted and really  
 2448 when you get into that stream and then follow up what's happened to that stream



2449 in locating the source of the problem we might find that costs may not be as  
 2450 great.  
 2451 The other thing is the costs or the investment of the iwi into say creation of the  
 2452 artificial wetlands, like the one being built currently in Cannon's Creek, that's  
 2453 going to take a huge amount of beneficial. That's going to make huge benefit.  
 2454 The costs are being borne by not just ratepayers but taxpayers and iwi. The costs  
 2455 are being shared.  
 2456  
 2457 So I think in the cost sharing space there's a lot of good will there that will kind  
 2458 of help to share the burden, I would say in this space.  
 2459  
 2460 I'm always thinking positively.  
 2461 [01.55.00]  
 2462 Chair: Unfortunately we are out of time, but I did want to give everyone a chance to  
 2463 have at least one question.  
 2464  
 2465 Wratt: Thank you very much for your presentation. I don't really have any questions,  
 2466 other than just to say thank you for the presentation. I appreciate the really  
 2467 constructive approach and thank everybody around the room over the last three  
 2468 days – [01.55.30] struggling with the issues that you've raised; which is how do  
 2469 we achieve our aspirations for a healthy environment and at the same time  
 2470 something that is achievable and affordable for our communities? Thank you for  
 2471 your presentation.  
 2472  
 2473 Chair: It's really encouraging to hear about the approach and your recognition that  
 2474 partnerships and collaboration is really perhaps the best way through, because  
 2475 as Commissioner Kake said, we've had a lot of science presented from the  
 2476 Council over the last few days, and even in the space of the time when the Te  
 2477 Awarua-o-Porirua WIP was presented, until now the western science (for want  
 2478 of a better way to put it) has deepened or there's more information about natural  
 2479 sedimentation rates for instance; and that's been a big driver for why the  
 2480 recommendations in the WIP for sedimentation reduction, and why that has now  
 2481 been rolled back, and that's only in the space of a few years.  
 2482  
 2483 I guess your comments about how we incorporate mātauranga, you're on the  
 2484 ground experiences and all of the work that you've been doing sampling, how  
 2485 we bring that into our considerations when we've got so much from the Council  
 2486 team.  
 2487  
 2488 Russleigh: I think just simply respecting that space. I think giving us that space and time.  
 2489 We're in a contemporary space at the moment, where mātauranga is [inaudible  
 2490 01.57.51] candidly over the last few decades we're going back there to monitor  
 2491 – not to fish, not for mahinga kai, we're going back there to get that data. But,  
 2492 at the same time we only have the stories. This generation is trying to pass onto  
 2493 the next generation who hasn't even had a taste from the harbour. They'd rather  
 2494 get a feed of McDonalds than try one of those cockles.  
 2495  
 2496 We have different challenges. In this contemporary space we still need the time  
 2497 to I wouldn't say heal but to figure things out and to recapture and reclaim, and  
 2498 that's respect for a te mana enhancing thing that you can give and allow space  
 2499 in this living and breathing plan going forward to do that.  
 2500

- 2501 Yes we have the cultural health assessment that gives us something, but as you  
 2502 know, mahinga kai is intertwined. It's whanaungatanga. My memories of  
 2503 mahinga kai is whanaungatanga, it's the kotahitānga, it's kaitiakitanga. At the  
 2504 same time you're collecting and before you go out – eeling or collecting kai  
 2505 moana. Dare I say, it's a holistic organic thing. We all have memories either from  
 2506 your dad, grandfather or koro of those times going out fishing, hunting or  
 2507 whatever. It's no different. The feeling is strong. It connects us. This is our  
 2508 pātaka kai and has been.
- 2509 [02.00.00]
- 2510 To your question: mātauranga Māori it's been thrown around a bit, shall we say.  
 2511 that time and that space, to give us that respect to still work in that space is really  
 2512 important – back to manaaki tangata. It's a journey.
- 2513
- 2514 Chair: Thank you very much. Your submission and your statement is very clear, taking  
 2515 us very carefully through the points and the changes you're seeking in the  
 2516 provisions. We assure you we have tested the Council very hard on the science  
 2517 over the last few days. We will give every point you have made lots of  
 2518 consideration.
- 2519
- 2520 Russleigh: Can I just add? I doesn't mean to say we know nothing. We know how to collect  
 2521 cockles. We know how to set the net. We know how to catch the mullet and so  
 2522 forth. That's captured mātauranga. But, the tides have turned and things have  
 2523 changed. It's certainly saying we don't have that but that's that, and then it's  
 2524 more in this contemporary space as we deal with other issues.
- 2525
- 2526 **Taranaki Whānui**
- 2527
- 2528 Chair: Welcome Taranaki Whānui. Kia ora. Thank you very much for joining us today.  
 2529 Would you like us to do some introductions or were you here before.
- 2530
- 2531 Taranaki: No I wasn't. If you could.
- 2532
- 2533 Chair: Ko Dhilum Nightingale tōku ingoa. I'm chairing both the Freshwater Panel and  
 2534 the Part 1 Schedule 1 Panel. Welcome.
- 2535
- 2536 McGarry: Kia ora. My name is Sharon McGarry. I'm an Independent Commissioner from  
 2537 Ōtautahi Christchurch.
- 2538
- 2539 Taranaki: Kia ora.
- 2540
- 2541 Kake: Tēnā koe. Ko Puawai Kake tōku ingoa. [Māori 02.02.55] Planner by trade and  
 2542 Independent Commissioner.
- 2543
- 2544 Taranaki: Kia ora.
- 2545
- 2546 Wratt: Kia ora. Ko Gillian Wratt tōku ingoa. I'm an Independent Commissioner based  
 2547 in Whakatu Nelson.
- 2548
- 2549 Stevenson: Nau mai haere mai. Ko Sarah Stevenson tōku ingoa. I'm an Independent Planner  
 2550 and Commissioner based here in Te Whanganui-a-Tara, Wellington.
- 2551 Taranaki: Kia ora.
- 2552

[Māori 02.03.38].

Apologies, I didn't have time to print off my kōrero this afternoon, but I have got it here on my laptop. I will be reading it and pausing and through you the Chair will take direction in terms of how you want questions to be facilitated.

**Taranaki** [02.04.54] represents the collective iwi of Te Āti Awa, Ngāti Ruanui, Taranaki and Ngāti Tama and also Ngāti Mutunga. We migrated into this area with our whanaunga in the 1820s. We reside predominantly within Wellington City, Lower Hutt and Upper Hutt. Our three marae are [Māori 02.05.22] which is in Petone; Waiwhetū which in Waiwhetū Lower Hutt; and [Māori 02.05.30] which is on Thorndon Quay.

[02.05.32]

We also have a whole number of other significant pā sites scattered throughout the city, places of occupation throughout Wellington City and into the Hutt Valley. As we always say, we're not urban Māori – urbanisation came to us. Our relationship with our environment is mixed in the sense that we interact with both an urban setting concrete jungle environment, but as we spread out into the other parts of our takiwā, we're in the beautiful ngahere of Ōrongorongo, Makara where we have an abundance of kiwi at the moment, but also we've got the challenges of piped streams, like [Māori 02.06.29], where our mothers used to give birth to their children. We have streams that were plentiful with kai and awa like Te Awa Kairangi.

One of the interpretations that I have for the name Te Awa Kairangi as a river is so plentiful that it could feed the heavens. Awa, river, kai, food, rangi, heavens. I don't know if we gather too much kai out of there at the moment, and such are the challenges that we face.

I guess that's just a bit of context with respect of the environment that we live within. We see ourselves as the kaitiaki and those responsible for this area. Te Awa Kairangi, Waiwhetū Stream, Korokoro Stream. The name of Korokoro, one of the narratives that relates to Korokoro is the throat. It's also Korokoro is another term for the lamprey. In Whanganui they call it [Wellington 02.07.53], here we call it Korokoro because it's the throat which claws onto or sucks onto the stones within the stream.

Also in our narratives Wellington Harbour, this area, is upoko, the head of the fish. The korokoro being the throat. A part of that story is from the throat of the fish that begat [02.08.21] Island and the other islands that we have in our harbour.

It's probably a stream that I will particularly zero in on because some of the recommendations as set out in the s42A report seem to push back on the expectations and aspirations of mana whenua, of the community with respect of things like E.coli.

Similarly Kaiwharawhara as well, which is a critical stream which flows in and around the Khandallah area and actually is a placement. The Kaiwharawhara area is where one of our tūpuna [Māori 02.09.30] was placed with Ngāti Tama.

I will go back to my words which I prepared earlier this morning.

Obviously I am here to speak as it relates to the objectives and targets workstream in the Proposed Plan Change.

[02.10.05]

Our central position on this is quite clear. The objectives and targets develop through Te Mahere Wai and the Whaitua Implementation Programme must be upheld, protected and implemented with integrity.

These are not merely policy recommendations; they are a result of years and years and hours and hours of collaboration, of partnership, of co-design with scientists, with community members, with mana whenua, with a whole raft of people where this was diverse interplay of mātauranga Māori and western science to come up with these objectives, with these policies, with these targets.

This conversation isn't a new conversation. This is an ongoing conversation and it took us three years to develop Te Mahere Wai and the Whaitua Implementation Programme for Te Whanganui-a-Tara.

These have been going on for a long time and millions of dollars have already been spent to get where we are right now.

Our expectation is simple: that our effort, that our time, that our resource, that our contribution isn't laid to waste.

Within our strategic plan we look towards a two hundred year vision which affirms our whenua, our moana, our awa, our uri, our descendants, are guided by our tūpuna towards a mokopuna focused future.

Everything that you will hear from today will be about mokopuna and making mokopuna decisions. Ultimately you as Commissioners will need to make mokopuna decisions, because that is my expectation of you, and that is the expectation of our city, of our region and the mokopuna who aren't here today – to look you in the eyes and say, “This is our... [nil audio 02.12.32] pushing to ensure that we can actually gather kai out of our streams, that we can swim in our awa, that we can feed our manuhiri from the streams that our tūpuna one hundred years ago could feed their manuhiri with.

And so, the reason why I am here is to ensure that my mokopuna don't have to have this same fight again because we are sick of it. We have been through these processes so many times. We have committed so much resource into the Whaitua process, and to see that a number of the recommendations that have been put forward through that process and through the Whaitua Implementation Plan and Te Mahere Wai have been pushed back and the timelines pushed out, is just absolutely disheartening and actually dishonourable to the process.

The fact that that s42A report was prepared by the Regional Council, the very organisation that we have been partnering with to establish Te Mahere Wai and to go through the Whaitua Implementation Process again just adds insult to injury.

I come here quite [nil audio 02.14.18] and we realise that the costs are going to be high. We realise that there's got to be a balancing act around all of these

things, but the reality of the situation is that for years and years and years and years and years we have failed to invest, and that's why we are in the situation that we are in right now, and it is a compounding effect right now.

[02.15.05]

The longer that we dither on these things the further the problem gets away from us, and it won't be until my mokopuna's mokopuna that they can actually swim in their own awa - the awa that my tūpuna used to be baptised in. By 2060 it will still be at (d) with respect of E.coli and everything else that's in that awa – the very awa that flows past our marae; the very awa that flows past our urupā; the very awa of which the wastewater treatment plant at Seaview discharges to on a regular basis. The treatment plant also right next to our urupā.

The s42A report might say (d) for E.coli for the Waiwhetū Stream. From our perspective that is totally unacceptable and more effort needs to be put in place and more resources need to be put in place to ensure that my mokopuna's mokopuna aren't here pushing this kaupapa.

From my perspective there's a mismatch in this process and that the rules that are being put in place, the targets that are being in place, I can't see that they've actually been informed by the voices of our community; because if they were informed by the voices of our community we would see almost a replication of what we have set out in Te Mahere Wai and the Whaitua Implementation Plan, in the s42A plan change.

In numerous instances there have been capitulations along the way and from our perspective that is quite disappointing.

Basically the key asks from us are to affirm the objectives and the targets in Te Mahere Wai and the WIP. The s42A report we can weakens these targets, creates delays in the timelines and removes key attributes which have been set out in those documents – which is quite frustrating.

Imbed Te Oranga o Te Wai is a monitoring framework. It's not aligned. The framework is acknowledged but not operationalised within the plan change.

Maintain the integrity in mahinga kai protection: so to your question to Ngāti Toa to [02.18.04], the omission, the deletion of the mahinga kai component, I don't know why that's happened.

Ensure the implementation of timeframes reflect the urgency: it's not aligned with the Whaitua Implementation Plan or Te Mahere Wai. Key goals have been extended, as I have said, to 2060 or 2100. Gosh! Are you for real?

Imbed mana whenua governance: it's partially aligned. Mana whenua are acknowledged but not positioned as governance partners throughout.

I guess for me this is a frustrating point because this is a defining moment for us. We're setting a plan. We're setting the rules which will guide the direction. Wellington is at a turning point. The decisions made in this room will shape the waters, the ecosystems and the lived realities of our people for generations to come.

2709 That's why I come to this space with a little bit of emotion and a little bit of  
 2710 frustration. The decisions that you make are real decisions, and ultimately I've  
 2711 got to be accountable to my whānau when I turn up to the marae and say, "Did  
 2712 you put in a good fight?"

2713  
 2714 We think that we have honoured the process that we've been on since the  
 2715 Waitua Implementation Process, since the Waitua. We did not walk this  
 2716 journey lightly. We built trust. We gave out time, lots of time.

[02.20.00]

2717  
 2718 We gave space and conceded space to build trust and confidence with the  
 2719 Regional Council. That was developed through that collaborative process  
 2720 around the WIP and Te Mahere Wai.

2721  
 2722 So I guess we urge this Panel and we urge the Regional Council to show courage,  
 2723 to reject regression disguised as pragmatism, to confirm clearly and without  
 2724 compromise the targets and commitments that were go designed with mana  
 2725 whenua and the community informed by mātauranga Māori, informed by  
 2726 science, informed by the very organisation that wrote the s42A report.

2727  
 2728 Let us give our mokopuna what they deserve – clean waters, thriving  
 2729 ecosystems, kai from our awa, and the unshakable sense of identity that comes  
 2730 from connection to place. It's hard to connect to an awa that is continually  
 2731 polluted.

2732  
 2733 It would be harder still to accept that actually I can only have really a healthy  
 2734 connection with my awa in 2060 or 2100. Is that acceptable?

2735  
 2736 I guess ultimately, and this goes to GW and the Commissioners here, that if you  
 2737 choose not to be bold then we will be. If the institution, if the organisation, if the  
 2738 Council won't walk alongside us, we will move forward without it because this  
 2739 is our home. We're not leaving.

2740  
 2741 This kaupapa is not negotiable. It's about our mokopuna. This is our truth; this  
 2742 is our future and our responsibility. We will carry it with or without the support  
 2743 of the institution of the Council. That is our obligation.

2744  
 2745 My hope is that maybe we can push through and we can be a bit firmer in our  
 2746 approach and the rules we want to set down. But, if not, kei te pai. We've been  
 2747 here before. We've been failed by these processes before. It seems as though  
 2748 we've been failed by the Waitua Implementation Process that was set up  
 2749 before, because now we're getting here and we're giving up or we're conceding  
 2750 more space.

2751  
 2752 With that, [Māori 02.22.58] tēnā koutou, tēnā koutou, tēnā tatou katoa.

2753  
 2754 Chair: Thank you very Mr [02.23.19]. Has anyone got some questions?

2755  
 2756 Wratt: I don't have any questions. No questions at this stage. Your message is very  
 2757 clear. Thank you. Kia ora.

2758  
 2759 McGarry: I can tell from the way you have delivered today that there's no questions  
 2760 required on this side of the table to understand the message that you have



2761 delivered today. I just want to make sure that the lack of questions isn't that  
 2762 we... our ears are wide open.

2763

2764 Taranaki: Kia ora.

2765

2766 Stevenson: Kia ora, thank you. I just wanted to acknowledge your whakaaro, particularly  
 2767 about mokopuna. I'm a mum of six and I hear you. We have, I have to say, also  
 2768 heard the affordability and achievability concerns from others, but what I am  
 2769 looking for I think is some ideas about how both might sit. You've mentioned  
 2770 different funding tools or approaches. Is there something that you're aware of  
 2771 that could deliver the resources needed to deliver on the urgency of the  
 2772 timeframes? I'm thinking laterally central government, equity-based funding  
 2773 models. I'm pulling things out of the air here, but is there anything that you're  
 2774 aware of?

2775

2776 Taranaki: We need to recognise the size of the problem. If we're talking about the  
 2777 improvement of our water quality we're actually talking in many instances about  
 2778 improving the state of our infrastructure – whether it's the stormwater  
 2779 infrastructure, whether it's the wastewater infrastructure. We know that across  
 2780 the country and in particular in Wellington there is a huge deficit and there has  
 2781 been significant under-investment.

2782

2783 Within the bounds of the rules of a regional plan we're not going to fix the  
 2784 problems that sit outside. We need to recognise that if the funding component  
 2785 isn't necessarily within your control why is it necessarily a hard consideration  
 2786 that you as Commissioners actually need to take into account? I know that we  
 2787 should take it into account. I know that there needs to be consideration of those  
 2788 things, but you have no control over those things.

2789

2790 If we want to rethink funding models we need to look at Three Waters Reform  
 2791 that's currently down the pipeline; we need to look at local government reform;  
 2792 we need to look at a whole raft of different options and considerations.

2793

2794 Ultimately funding is a political decision. Ultimately it's about prioritisation and  
 2795 where we put our money.

2796

2797 One political party said that we don't have money for tax cuts, and then another  
 2798 political party said that we do. Such is the nature of things.

2799 If there is a priority towards delivering outcomes in this particular area there will  
 2800 be money, there will be resource, there will be commitment.

2801

2802 So that's what I'm saying: is if we say that this is important for your six children  
 2803 and my children and our future children, then we need to actually put a line, a  
 2804 pou, in the ground and say, "Actually, this is a priority." Because if we make it  
 2805 a priority then we drive the change up the network, up into councils, up unto  
 2806 central government to say, "Actually, we need the reform otherwise we are going  
 2807 to be non-compliant for the rest of our 20, 30, 40, 50 or 60 years.

2808

2809 I think it's about saying, "Actually, this is the tūpuna standard that we need to  
 2810 hold" and hold the line. We have been holding the line since ages. We've been  
 2811 willing to participate in anything to keep on moving forward but every time we  
 2812 just seem to be kicked back and "It's not affordable." It's never been affordable.

2813 It's never been affordable. It's never been affordable. I know Donald Trump's  
 2814 tariffs probably make it even less affordable. The Harbour Bridge wasn't  
 2815 affordable either – it put the country into a significant amount of debt. But,  
 2816 actually it was the right investment that the country needed to make at that point  
 2817 in time.

2818  
 2819 So, for me it's about priority and it's about ensuring that we have got the  
 2820 standards and the rules that are necessary to drive the outcomes that we want for  
 2821 our communities to thrive; and if we hold firm to those we'll have a reformed  
 2822 Three Waters entity who will have to comply with those and drive efficiencies;  
 2823 seek funding; drive changes within central government around funding.

2824  
 2825 It's actually the model that we're currently operating right now does not work  
 2826 and it hasn't worked. That's why we are in the situation that we are in right now.  
 2827 That's why it's going to take until 2060 to get to state (d) for the Waiwhetū  
 2828 Stream.

2829  
 2830 So maybe if we were bold, maybe if we were to take a firm line, maybe we might  
 2831 be able to drive the necessary change that's required. You can put it under the  
 2832 existing frame – and I heard the comments before around the increase in rates,  
 2833 but I think that if the city were to face those sorts of increases in rates then it will  
 2834 give us time to pause and think about how we might reset ourselves and  
 2835 restructure ourselves to make this work.

2836 [02.30.05]

2837 If we don't do it we'll just maintain the status quo and we will get what we've  
 2838 always got, which from what I've seen is nothing. It's actually got worse.

2839  
 2840 So I guess my main point is 'Hold the Line'.

2841  
 2842 Kake: Tēnā koe [Māori 02.30.35]. I will keep this short and brief. I think we could have  
 2843 a few wānanga over this one. I hear that there's already been a number of  
 2844 wānanga already.

2845  
 2846 We hear the frustration and we can see the kōrero and can visualise the whakaaro  
 2847 from the previous presentation. The question I have got is hopefully a simple  
 2848 one to answer, because I know something else important is happening down the  
 2849 road at about three o'clock.

2850  
 2851 Te Mahere Wai is a stunning document in itself. The framework Te Oranga Wai  
 2852 it states that it followed the NOF process essentially under the NPS-FM, and so  
 2853 we can understand the origin that these target attribute states that have been  
 2854 defined under Te Mahere Wai, they're there in a narrative sense and if that was  
 2855 provided for with respect to the table that we are having to consider, I suppose  
 2856 my question is the mātauranga and the information in the data that sits behind  
 2857 that framework sits with mana whenua. Mana whenua is sharing that data and  
 2858 information with the Council to be able to support the monitoring in these  
 2859 locations. Is that correct?

2860  
 2861 Taranaki: Yes.

2862

- 2863     **Kake:**                 So with that framework and the ability of mana whenua measuring at a narrative  
 2864                                 state, that is a tool that can be used to support the outcomes that we were seeking  
 2865                                 to achieve with some of the objectives as well.  
 2866  
 2867                                 A lot of these are descriptive I suppose and narrative in their sense. We heard  
 2868                                 earlier that there are different monitoring aspects that are going on and there's  
 2869                                 the cultural health index; there's a tonne of different frameworks and monitoring  
 2870                                 methods that you can use to measure and monitor from a mātauranga  
 2871                                 perspective.  
 2872  
 2873                                 I'm suppose the question that I'm getting at, for us to understand the boots on  
 2874                                 the ground kōrero that we heard earlier, that framework was designed through  
 2875                                 Te Mahere Wai to enable and allow I suppose kaitiaki to do that monitoring  
 2876                                 practically. Correct?  
 2877  
 2878     **Taranaki:**                 Yes.  
 2879  
 2880     **Kake:**                         So then the difficulty I think we are also grappling with, and it comes back to  
 2881                                 the financing, is there's a clash I suppose we are dealing with. There's a  
 2882                                 complexity in terms of having to grapple with the mātauranga, the western  
 2883                                 science and the delineation I suppose of some of these units and these wai Māori  
 2884                                 boundaries.  
 2885  
 2886                                 We have heard from the scientists that it is these boundaries, these special  
 2887                                 locations that make it easier for them to monitor at a particular site. I suppose I  
 2888                                 wanted to get your whakaaro, your understanding in terms of that, because it's  
 2889                                 that crossed boundary that we are in at the moment in terms of understanding I  
 2890                                 suppose the whakapapa of the wai and how we can look after particular locations  
 2891                                 and potentially prioritise certain spots over others.  
 2892  
 2893                                 Have you got any thoughts around that?  
 2894  
 2895     **Taranaki:**                 I think it's always about prioritisation and probably leans into the response that  
 2896                                 I provided before. For us we would always prioritise or I would always prioritise  
 2897                                 for instance the Waiwhetū Stream, because it is the stream that flows straight  
 2898                                 past my whare and straight past where my tūpuna are buried.  
 2899     [02.35.05]  
 2900                                 But, also within the Whaitua process and you talked about that, that sort of  
 2901                                 interface or that at times there's an incompatibility, or a tension that exists  
 2902                                 between mātauranga Māori and western science; and I would say that we found  
 2903                                 that tension exists within the Whaitua process. That's why we've got the WIP  
 2904                                 and we've got Te Mahere Wai. They actually speak to one another in a beautiful  
 2905                                 way, and also Te Mahere Wai is informed by mātauranga Māori and western  
 2906                                 science.  
 2907  
 2908                                 I think actually what we were able to come up with, with respect to those  
 2909                                 documents, reflects the balancing act and the dance that we took during that time  
 2910                                 to merge those things together into a position where there was a level of mutual  
 2911                                 comfort amongst the contributors into that process.  
 2912  
 2913                                 Obviously within certain processes and frameworks there is a hierarchy, a  
 2914                                 natural hierarchy of things which we totally are cognisant of. We don't

necessarily understand why. I guess for us the prioritisation of key streams of key environments should have come into the whakaaro and into the thinking with respect of the s42A report. If that knowledge was taken and informed by Te Mahere Wai around why I am so grumpy about Waiwhetū Stream, then we might have actually been able to go, “Ooh, okay, how do we consider that frame of reference, because we did partnership before? How could we possibly prioritise this in a different way?”

Then that comes down to that whole question around dollars and cents. We go, “Ooh, actually yes, maybe we should keep Waiwhetū Stream at target attribute (c) to 2040 and prioritise resource in that area at the time and create a hierarchy system within a table, within a framework, which might be an agreeable way forward for us. That way we can go, “Okay, in the next ten or twenty years we need to really nail some resources into those specific areas.” It's a bit like my whānauanga here talk about Te Awarua-o-Porirua. There's a real specific focus on that harbour and probably a key specific focus onto Porirua Stream, which is patu as.

There are ways to shape these things. These are the things that we talked about throughout the Te Mahere Wai Whaitua implementation or Whaitua process.

Chair: Kia ora. We completely hear and respect the challenge that you have laid here for us and do assure you that we have had a lot of discussion with the Council team since we started on Monday, looking in detail at all the outputs from the Whaitua Implementation Process, including Te Mahere Wai.

[02.40.00]

Your presentation was delivered with a lot of impact. We acknowledge that. Thank you for that. We will take that through with us into the rest of this hearing of submitters and into our deliberations. Thank you very much.

Taranaki: Kia ora. Thank you for your time. Ngā mihi.

Chair: We will take a short break and be back for Waka Kotahi and Hutt City Council at 3.30pm. Thank you.

[Hearing adjourned – 02.40.35]

[Resumes 03.05.15]

### **Waka Kotahi NZ Transport Agency**

Chair: Kia ora. Welcome to Waka Kotahi NZ Transport Agency.

We'll just do some very quick introductions and then pass over to you. We have read your submission and read the evidence you've provided. Thank you very much for that. We will let you present. Please leave time for questions because I think we do have questions.

Kia ora Ms Heppelwithe. Welcome.

Ko Dhilum Nightingale tōku ingoa. I'm a Barrister based in Te Whanganui-a-Tara and am chairing both Panels.

2967 McGarry: Kia ora. Sharon McGarry. I'm an Independent Hearing Commissioner based in  
 2968 Ōtautahi Christchurch.  
 2969

2970 Kake: Kia ora I'm Puawai Kake, a Planner and Independent Commissioner from Te  
 2971 Tai Tokerau Northland. Kia ora.  
 2972

2973 Wratt: Kia ora. I'm Gillian Wratt, Independent Commissioner based in Whakatu  
 2974 Nelson.  
 2975

2976 Stevenson: Kia ora I'm Sarah Stevenson, Independent Planner and Commissioner based in  
 2977 Te Whanganui-a-Tara, Wellington.  
 2978

2979 Chair: Thank you. We'll pass over to you.  
 2980

2981 Keating: Thank you. Tēnā koutou katoa. My name is Evan Keating. I'm a Planner based  
 2982 in Auckland for Waka Kotahi New Zealand Transport Agency. I am also the  
 2983 author of this submission. I am not appearing as a Planner today and I have no  
 2984 evidence. I am here to introduce you to our witnesses and if there is any general  
 2985 or corporate questions for us as an agency. I will now hand over to both Ms  
 2986 Charlotte Locker and Nigel Bosworth who are Technical Stormwater Specialists  
 2987 with SLR Consulting and I will then pass onto Ms Cath Heppelwaithe who is  
 2988 our Consultant Planner.  
 2989

2990 Lockyer: Thanks Evan. Kia ora all. I'm Charlotte Lockyer from SLR Consulting, a  
 2991 Principal Hydrologist. Nigel and I have submitted joint evidence expressing our  
 2992 concern regarding how it would be inappropriate for the target attribute state  
 2993 tables to be applied for assessing consent conditions, or to be applied for  
 2994 assessing consent applications or consent conditions.  
 2995

2996 We were really pleased to hear in Dr Greer's rebuttal evidence that he also agrees  
 2997 it would be inappropriate for the target attribute tables to be used at that local  
 2998 scale for a point source discharges; but rather they should be used as a tool to  
 2999 manage the communicative effects at that part FMU scale.  
 3000

3001 How this will be implemented at a local scale and the implications for NZTA  
 3002 will be worked through during Hearing Stream 4. Consequently we don't really  
 3003 have anything else to add to this hearing. We're pleased with the approach that  
 3004 Dr Greer has taken on this one. But, we are happy to answer any questions that  
 3005 you have of us.  
 3006

3007 Chair: Thanks very much. I'll just check – Ms Heppelwaithe, is that in terms of the  
 3008 provisions in your recommendations? Any changes to your planning evidence?  
 3009

3010 Heppelwaithe: Good afternoon Chair and Panel. Thank you for the opportunity today. You will  
 3011 have seen from my prime evidence that I made very few recommended changes  
 3012 and that Ms O'Callahan has accepted and/or explained the responses. The only  
 3013 matter which I remain concerned with, as Ms Lockyer has just explained, is  
 3014 encapsulating Ms O'Callahan and Dr Greer's position that the target attribute  
 3015 states are there as regional matters for cumulative monitoring, rather than  
 3016 applied at a later date as consent applicants or conditions.  
 3017

3018 In that regard, I suggested a note be attached to the tables which you will see on  
 3019 the last page of my evidence there.  
 3020  
 3021 Ms O’Callahan doesn’t think that it’s appropriate to place it there. I understand  
 3022 she has the view that she’s comfortable with the objectives and policies and  
 3023 thinks that if more direction is required it should be within the actual objective  
 3024 and policy.  
 3025 [03.10.05]  
 3026 I have a slightly different opinion on that and that’s what I have set out there  
 3027 before you today, otherwise I’m very happy with the recommendations that  
 3028 she’s put forward, and also as Ms Lockyer said, we expect a much more detailed  
 3029 discussion of this in Hearing Stream 4.  
 3030  
 3031 Otherwise happy to take questions now.  
 3032  
 3033 Chair: Thanks very much.  
 3034  
 3035 Wratt: Thank you for those very brief statements. I guess I was to ask you the question,  
 3036 which you have already posed back and said that you would address in I think  
 3037 Hearing 4. I guess I’m just curious if you do have any comments on how the...  
 3038  
 3039 [End of Part 2 recording – 03.11.19]  
 [Hearing Stream 2 – Day 4 – Part 3]  
 3040  
 3041 Wratt: [continued] ... how you would see them in a consenting process at the local  
 3042 level?  
 3043  
 3044 Heppelwaithe: I think that’s a question that I might invite Charlotte and Nigel to comment on  
 3045 the practicalities of implementing them. From my perspective I see them as a  
 3046 tool for the Regional Council to engage on a freshwater management unit basis,  
 3047 and as consent applications come in there is an assessment made of the  
 3048 contribution, particular discharge or discharge point may have to that, and then  
 3049 appropriate conditions applied to work to a position where the contribution that  
 3050 the discharge is making is commensurately reduced relative to the target  
 3051 attribute states.  
 3052  
 3053 It’s a delicate balance between ensuring each contributor has appropriately  
 3054 assessed contribution contaminants and that that contributor or consent holder  
 3055 plays it’s part in reaching the overall attribute states over time for and in regards  
 3056 to that.  
 3057  
 3058 The same applies to the coastal water objectives, although I note that they are of  
 3059 less consequence to NZTA, but I would expect the same approach to apply.  
 3060  
 3061 Charlotte or Nigel, did you have anything you wished to add to that?  
 3062  
 3063 Bosworth: No, I don’t have anything to add. I agree with Ms Heppelwaithe’s approach  
 3064 there.  
 3065  
 3066 Heppelwaithe: If it’s helpful both Charlotte and Nigel have been involved in the day-to-day  
 3067 monitoring, as you would have seen – I shouldn’t say day-to-day, the regular  
 3068 consent monitoring required for NZTA’s current consent, the interim consent.



3069 So if it helps the Panel to hear from them as to how that practically functions we  
 3070 could do that, but if that's not helpful at this stage we can defer that to later in  
 3071 Hearing Stream 4.  
 3072

3073 Chair: It would be helpful. As I understand it there's the discharge consents associated  
 3074 with Transmission Gully and then there's what's required in the operative plan,  
 3075 and then we are going to look in Hearing Stream 4 at the new proposed  
 3076 provisions that will apply to NZTAs discharges from the stormwater network.  
 3077

3078 We talked a bit earlier today about the timing and renewal of consents. Having  
 3079 some information about that, and I do know you have touched on that in your  
 3080 evidence, but it would actually be helpful to hear about the range of consents  
 3081 that you have and when they're coming up for renewal.  
 3082

3083 Heppelwaithe: I think the overall global consent comes up in 2027, so that will require renewal  
 3084 at that point of the items it covers. The other range of consents, such as TG, I'm  
 3085 not a hundred percent certain and we would have to get back to you in regard to  
 3086 that, unless Mr Keating knows off the top of his head.  
 3087

3088 Bosworth: Not off the top of my head no.  
 3089

3090 Heppelwaithe: We can revert back to you in regards to that, because I've said Transmission  
 3091 Gully does cater for quite a large part of the network.  
 3092

3093 Chair: Bear with us. We are just checking notes and I am still cross-checking some  
 3094 points in Dr Greer's rebuttal.  
 3095 [00.05.00]

3096 I'm not sure if you tuned into any of the discussions over the last few days, but  
 3097 we have talked quite a bit about zinc and copper, the TAS requirements for  
 3098 metals.  
 3099

3100 If there is this commensurate requirement for NZTA to reduce metal  
 3101 contaminant loading in its discharges – and sorry, I'm drowning in different TAS  
 3102 tables here – but I think from memory there was one that might have said 25  
 3103 percent, but don't quote me on that. I don't have the precise figure. But, if it was  
 3104 25 percent what would NZTA practically be able to do to reduce the dissolved  
 3105 zinc and copper concentrations in its stormwater discharges, to contribute  
 3106 towards achieving that TAS?  
 3107

3108 Heppelwaithe: I think at a fine level there is a few basic principles, and there's source control  
 3109 which is outside of NZTA's ambit, but it's clearly inside the NOT provision, but  
 3110 that requires I understand a fairly long lead-in time for a change in materials  
 3111 which lead to the discharge points, because of the vehicle fleet age and the  
 3112 requirements to make those alterations. So that's a slow-burn if you like. There  
 3113 is obviously applying physical remedial works to pre-treat stormwater and  
 3114 endeavour to remove that.  
 3115

3116 I will defer to Charlotte and Nigel with regards to the ability to remove the  
 3117 dissolved zinc and copper from stormwater, because I understand that is  
 3118 technically quite challenging. There are, you can tell, a very limited list of things  
 3119 which are available and one of those is not precisely with the control of NZTA.  
 3120

3121 Perhaps Charlotte and Nigel you would like to speak about dissolved copper and  
 3122 zinc and the limitations on removal.  
 3123  
 3124 Bosworth: Dissolved copper and zinc are actually quite difficult to treat. The processes of  
 3125 them actually being treated are by absorption to something like [08.46] charcoal,  
 3126 or where the process of chelation where they are trapped within an organic  
 3127 molecule, within a treatment measure such as a biotension basin.  
 3128  
 3129 So that's the actual removal once they're in the stormwater stream. There's  
 3130 another means that Transport could actually do to remove them and that is street  
 3131 sweeping; so once the actual particles from the brake linings and within the  
 3132 rubber fragment that come off, street sweeping is a very effective way of  
 3133 removing those from the road surface.  
 3134  
 3135 But, of course other than, is the regulation to actually limit the amount of zinc  
 3136 and copper within brake linings and within rubber, although there are a few other  
 3137 technical options that are available for those metals, certainly within tyre rubber.  
 3138 There's a need for those sort of metals in there.  
 3139 [00.10.00]  
 3140 Charlotte: The only thing I've got to add on that one is the new roads – it's much easier to  
 3141 actually design them accordingly to provide some water quality treatment;  
 3142 whereas with the existing state highway network having that space to retro-fit  
 3143 fire retention device etc. becomes a little bit more challenging; whereas street  
 3144 sweeping is the easiest and more effective measure to implement. Though, that  
 3145 does happen already, so it's just depending if you increase that regularity is it  
 3146 going to provide the added benefit?  
 3147  
 3148 Chair: We heard from one of the Council experts, Ms Ira, that it is possible to retrofit  
 3149 stormwater treatment devices in urban areas, and that is really where the elevated  
 3150 levels of copper and zinc are coming through.  
 3151  
 3152 Actually, I'll come back to that, because I want to actually ask if that was also  
 3153 your experience from the monitoring that you're doing; that you're seeing the  
 3154 elevated levels in the urban catchments as opposed to rural. I'll come back to  
 3155 that.  
 3156  
 3157 What experiences have you got with retrofitting stormwater treatment devices  
 3158 in urban areas to treat copper and zinc, or to reduce the amounts going into  
 3159 freshwater and coastal environments?  
 3160  
 3161 Bosworth: To start off with, copper and zinc in Australia are not legislated for. It's all about  
 3162 nutrients. Part of the reason for that is that it is so difficult to actually treat copper  
 3163 as it is to treat metals.  
 3164  
 3165 The issue with retrofitting of existing stormwater networks really comes down  
 3166 to space. In a new development you're able to design that treatment area at the  
 3167 end of the pipe, at the outlet usually, or within the overall catchment. That's  
 3168 possible to do in a new environment, but the more urbanised you get the more  
 3169 difficult it is. While there are technologies such as cartridge systems that are  
 3170 available to do that, they're generally quite expensive and generally don't  
 3171 provide the level of treatment in a retrofitting situation that you would expect if  
 3172 you were going to do it in a new development situation.

3173  
3174 Generally the rule of thumb is that you need to two percent of the catchment area  
3175 to provide treatment in order to achieve neutral or beneficial effects. Generally  
3176 you do not have that in an urban environment unfortunately. There's no large  
3177 open spaces available at the end of the pipe just before it discharges into a  
3178 receiving environment, so it is quite a challenge to do that.  
3179

3180 Chair: Thank you. I think you referred to in Australia it's not regulated. Again does that  
3181 come to that point you made about the difficulty of actually mitigating?  
3182

3183 Bosworth: It is. Where I am from in New South Wales for example, we have water quality  
3184 objectives which do set targets based on uses of the receiving water body, and  
3185 those are set at that receiving water body state. We have them for rivers. We  
3186 have them for lakes. It is part of the qualitative approach to reducing inputs from  
3187 metals and things from various pollutant sources within a catchment.  
3188

3189 They're not used numerically as discharge outlet controls. We have a bit of a  
3190 different situation in our planning system. Transport for New South Wales is its  
3191 own determining authority under Part 5 of the Environmental Planning  
3192 Assessment Act.  
3193 Part of the problem with that is that they get to set their own rules; and another  
3194 part of the problem is that quite often the people setting those rules don't quite  
3195 understand exactly what is and isn't possible with treatment.  
3196 [00.15.02]

3197 I've had to explain to Transport for New South Wales. I had to give a two hour  
3198 lecture on stormwater treatment and what we can and can't do. They were asking  
3199 us why couldn't be simply get the water quality monitoring data we had and put  
3200 it into our model and see what happens with the changes of a road upgrade.  
3201

3202 Unfortunately the model we've got is a conceptual model and not a detailed  
3203 design model. It just simply does not work.  
3204

3205 Generally it's just there's too many variables to actually be able to model it  
3206 effectively, is the long and short of that. We don't have the technology available  
3207 unfortunately just yet to do it.  
3208

3209 I hope that makes sense.  
3210

3211 Wratt: Just clarify for me. If you are in a new development you are putting in better  
3212 stormwater or retention. In terms of copper and zinc, I guess "So what?" is my  
3213 question. If it's really hard to actually treat and remove from the stormwater,  
3214 what is the impact of that on the copper and zinc? Does it actually improve the  
3215 situation?  
3216

3217 Bosworth: We have pollution removal targets. If you remove generally it's between 80 and  
3218 90 percent of suspended solids, that will take most of the pollutants out. We also  
3219 have removal targets for nutrients and for gross pollutants. That will take out  
3220 most of the pollutants of concern, but again it's horses for courses.  
3221

3222 We have different requirements in different states in Australia and different  
3223 requirements for different local governments in Australia. A lot of that is  
3224 dependent on the receiving environments. This is a worldwide thing as well: it

3225 is dependent on what the receiving environment can take. Obviously in this case  
 3226 copper and zinc are quite toxic in the receiving environment and they're  
 3227 obviously pollutants of concern here.  
 3228

3229 Wratt: The sediment that you then remove, presumably that then goes ultimately to land  
 3230 fill?  
 3231

3232 Bosworth: Most of the pollutants, the metals are actually are [17.49] to those sediment  
 3233 particles, when you take those sediment particles out.  
 3234

3235 The concentrations aren't that they need to go to a toxic waste dump or anything  
 3236 like that, but they are obviously elevated relative to what can be received in the  
 3237 receiving environment.  
 3238

3239 Wratt: Thank you, that's helpful.  
 3240

3241 McGarry: We heard some expert evidence on treatment devices from Ms Ira yesterday.  
 3242 She gave us a rule of thumb or a ball-park of 1.5 to 2 times the cost to retrofit  
 3243 stormwater treatment over the new cost. Would you agree with that as a rule of  
 3244 thumb?  
 3245

3246 Bosworth: Yes it would. I think it would probably be even higher than that, just based on  
 3247 land take and having to purchase that land rather than have it set aside.  
 3248

3249 Just in terms of constructability maybe one to two times, but there's additional  
 3250 costs as well.  
 3251

3252 McGarry: She did actually clarify that was assuming that you had the land available and  
 3253 not purchasing the land, so you're probably in agreement.  
 3254

3255 Bosworth: That's right.  
 3256

3257 Chair: The reporting officer is recommending now a timeframe of 2050 for the  
 3258 Waiwhetū Stream for achieving the target attribute state for dissolved copper  
 3259 and dissolved zinc. Mr Bosworth, I think you mentioned long lead-in times and  
 3260 I think working with MOT, so car manufacturers can make innovations in terms  
 3261 of brake pads and brake linings and that sort of thing.  
 3262 [00.20.00]

3263 Do you think keeping to a 2040 timeframe for dissolved copper and dissolved  
 3264 zinc would actually help drive the innovation and the changes that are needed  
 3265 up the line, or do you think the contribution NZTA will have to make to those  
 3266 reductions is just not going to be achievable in the 2040 timeframe?  
 3267

3268 Bosworth: I will have to defer that to [20.36] I'm afraid. That's outside my area of expertise.  
 3269

3270 Probably not best, but I'm not sure that there is a contributing route in that  
 3271 stream.  
 3272

3273 Chair: I think that is the only TAS with a 2050 timeframe for dissolved metals.  
 3274

3275 Just sticking with the network discussion, you would have seen in Dr Greer's  
 3276 rebuttal evidence where he responds to the point that I think you make Ms

3277 Heppelwaithe about the majority of the state highway network will discharge to  
 3278 freshwater environments which are likely considered deteriorated relative to  
 3279 copper and zinc. He undertakes some geospatial analysis and comes up with the  
 3280 some different percentages. Have you had a chance to review those, and do you  
 3281 broadly agree with where he lands, which is that actually it would be 14 percent  
 3282 once direct discharges to the coast are accounted for?  
 3283

3284 Heppelwaithe: Sorry maam, I'm not really in a position to comment on that.  
 3285

3286 Chair: I was just interested in that he's used that spatial analysis and just come up with  
 3287 a different assessment. I just wanted to see if you had a view on that. That's  
 3288 okay.  
 3289

3290 Chair: I think we are at time. I look forward to talking with you further about these  
 3291 issues in subsequent hearing streams. Thank you very much for your time.  
 3292

3293 Heppelwaithe: Thank you.  
 3294

3295 Bosworth: Thank you.  
 3296

3297 Lockyer: Thanks.  
 3298

### 3299 **Hutt City Council**

3300  
 3301 Chair: We welcome Hutt City Council, our final submitter for the day. Kia ora.  
 3302 Welcome.  
 3303

3304 Would you like us to run through some introductions?  
 3305

3306 McDonnell: I've been watching online.  
 3307

3308 Chair: Mr McDonnell, some of us will be familiar with you from the RPS hearings as  
 3309 well. If you're comfortable then we'll pass over to you.  
 3310

3311 Thank you very much, we've read your submission and your evidence Mr  
 3312 McDonnell. Feel free to present and then leave some time for questions.  
 3313

3314 McDonnell: Tēnā koutou. Ko Torrey McDonnell tōku ingoa. I'm a Consultant Planner for  
 3315 Insight based here in Te Whanganui-a-Tara. I'm here today providing expert  
 3316 evidence on behalf of Hutt City Council. My colleague Tim Johnstone is with  
 3317 me and he is Head of Planning at Hutt City Council.  
 3318

3319 First of all, I would just like to lead off with, as we're discussing today, an issue  
 3320 of enormous cultural importance. I would like to acknowledge mana whenua.  
 3321 [Māori 24.23].  
 3322

3323 I would also like to acknowledge the important kaupapa of this plan change and  
 3324 the work done by the community, mana whenua and Greater Wellington to get  
 3325 to this point. I suppose the aim to have waterways in this region that are waiora,  
 3326 as I am sure everyone here does.  
 3327

I have provided a written statement of evidence which you have mentioned you've read. That's on planning matters. Mr Johnstone will provide some corporate evidence as well on behalf of Hutt City.

[00.25.05]

Our evidence today is focused predominantly on the coastal and freshwater E.coli targets, as the biggest ticket item for Council as an asset owner. The s32 evaluation and supporting reports notified in 2023 show that achieving the notified E.coli targets would be hugely challenging and expensive, and this was particularly so for Hutt City Council.

The s42A report and associated evidence I have reviewed this. These show that it's even more challenging to meet these targets than originally estimated. They also showed to me that there didn't seem to be much of a clear plan as to what actions were required to achieve them, and they noted that there wasn't the capacity in the sector to deliver them.

I remain of the view that 2040 is not achievable for the notified E.coli targets. It is important to note that Hutt City Council's submission does not seek a drop in target attribute states from those notified – and we might deviate there from some of the other councils you might hear from throughout this hearing.

These target attribute states reflect the outcomes expressed by mana whenua and the community through the Whaitua Implementation Programme and Te Mahere Wai. Rather, the submission seeks a realistic timeframe in which to achieve these standards.

Hutt City Council's submission seeks a 2060 timeframe for E.coli in freshwater and coastal habitats as a more realistic timeframe over which these costs can be spread. This timeframe allows the sector to gear up to deliver the changes that are needed. Further, it gives time for the reforms of the sector to take place, which Hutt City Council is working through with other councils around the region.

I also consider that changes are required in how Three Waters Infrastructure is both managed and financed to deliver the outcomes sought by Plan Change 1.

In my view, setting an unaffordable and unachievable target is setting us up to fail. I believe it could be counterproductive where there could be progressive improvements proposed that may not be consentable under Plan Change 1.

I have reviewed the rebuttal statement prepared by Ms O'Callahan and note that she has largely agreed with Hutt City Council's submission to set target dates of 2060 with regard to freshwater rivers and streams in Hutt City.

Ms O'Callahan recommends at least going off the latest version I have of 7<sup>th</sup> April (I guess Monday's version) of the provisions. I have been listening in periodically throughout the work, but apologies I didn't catch everything that's been said this week. I'm not a hundred percent sure where things might have deviated. I will do my best.

Ms O'Callahan recommends increasing timeframes in Table 8.3 for achieving primary contact targets in Te Awa Kairangi, the Hutt River at Melling Bridge from 2040 to 2060, and increasing timeframes in Table 8.4 for achieving E.coli



limits from 2040 to 2060 for the urban streams that feed into Te Awa Kairangi, as well as Waiwhetū Stream.

It also recommends increasing timeframes to achieve E.coli targets for Wainuiomata Stream from 2040 to 2050.

It appears with the exception of the primary contact target for Te Awa Kairangi, which is recommended to be retained as fair.

The E.coli target it proposed – so not only is the timeframe proposed and recommended to be pushed out, but the actual target is proposed to be lowered. This is recommended to be lowered from a (c) grade to a (d) grade in some of these streams.

I was listening in to Kara earlier. I consider that (d) grade by 2060 is not a very ambitious target for Waiwhetū Stream or others. It's not a very high bar in my view.

In regard to the coastal E.coli limits, as far as I can tell the 2040 timeframe is recommended to be retained but with lower target attribute states for enterococci on certain beaches including Petone and some beaches around Eastbourne.

I note that the material provided by Greater Wellington to date throughout these hearings in exchange of evidence is very technical. Hutt City Council does not have in-house economic or scientific expertise we could draw on. As such we have largely relied on the evidence produced by Greater Wellington Regional Council, as well as that produced by Wellington Water – and I understand you're hearing from them tomorrow.

[00.30.20]

For most councils around the country they'd be sitting next to us today fielding all the difficult questions; so we do rely on them for advice and we understand that they've had some input into the economic evidence that Greater Wellington has produced.

In a minute I will go through our submission points in turn and just pointing out where there's any remaining areas of contention, but first I will throw it over to Tim who has a brief statement.

Johnstone:

Kia ora. This will be brief. Again, I'm Tim Johnstone, Head of Planning at Hutt City Council, Head of Planning Overseas and Planning Policy Team and District Plan, resource consents, compliance and monitoring in our Development Engineering Team. That's the function I look after.

Thank you for the opportunity to speak today. I will just be providing a brief statement to give some broader context in relation to some of the wider challenges faced by Hutt City Council. We are no different than many other councils but we do have some unique challenges in the Hutt.

I just want to start by reiterating that Hutt City Council is committed to reducing its discharges and the restoration of waterways. I was listening to Kara too. We're very close with our mana whenua partner, so it's very important for Hutt City.

This is also reflected in our current long-term plan which includes fixing our pipes and investing in water infrastructure as a top priority, if not the top priority.

However, like many councils Hutt City Council is facing many significant challenges to navigate. We all know about the current challenging economic environment, but in addition to this Hutt City Council is dealing with the consequences of historic under-investment in our aging infrastructure. We have aging infrastructure with a backlog of works that will take thirty years to address.

We have a growing population, which is fantastic. We expect another 25,000 people to make Te Awa Kairangi ki Tai, Lower Hutt their home by 2043, but not only do we have to fix our aging infrastructure, we also need to make sure we have the necessary infrastructure in place to provide for this population growth – such as building new reservoirs and upgrading the Seaview wastewater treatment plant.

We know that Te Awa Kairangi ki Tai, Lower Hutt is particularly susceptible to a range of natural hazards. To be honest, we probably should never have built a city there, but that's what we live with now.

Much of our population is living in a large flood plain or near to the coast and we have a major fault line running through the city surrounded by hills with landslips.

Building the resilience of the city will definitely come at some cost and will take time.

We also need to maintain all the other important assets that make Lower Hutt such a great place to live – our community facilities, our parks and reserves.

There will be significant costs in addressing all of these challenges but maintaining affordability for our ratepayers has to be front of mind. Our ratepayers are already facing large increases that will impact day-to-day living.

In the context of all of the above, the impact of a 2040 timeframe compared to the 2060 timeframe in the proposed plan cannot be underestimated. As I have said, Hutt City Council is already committing significant investment towards infrastructure and the associated environmental benefits this will bring, and we strongly believe the adoption of a 2060 target in this plan change represents a more realistic target that Council can continue to work towards.

Thank you very much.

McDonnell: I will just pause for a second, if there are any overarching questions on what we have said, otherwise I can dive into the detail.

Chair: Kia ora, thanks very much. I think we do have some actually.

In your [inaudible 34.10] I think notified E.coli targets is estimating those to be between 12 and 15 percent per year, as the rates increase. In Mr Walker's rebuttal evidence, if you've had a chance to look at that, the mixed timeframe approach which the reporting officer is now supporting, Mr Walker has looked

3484 at the stepped rates increase and he says for Hutt City he's worked that out as  
 3485 being I think 13.5 percent to 2040 and then dropping to 12.5 percent from that  
 3486 time.

3487 [00.35.23]

3488 What are your views about affordability, achievability of that mixed timeframe  
 3489 approach?

3490

3491 McDonnell: Could I just clarify that number you gave of 2040? Was that to achieve the  
 3492 notified objectives and targets, or the revised lower ones?

3493 Chair: It was in the submission which would have been revised.

3494

3495 McDonnell: If that's the revised one I guess a few things. We are not seeking revised targets.  
 3496 Our submission and our position is that the notified target stands. I'm not sure  
 3497 how that affects numbers.

3498

3499 Just a high level comment, and I appreciate it's a really technical topic and  
 3500 everyone is doing the best they can, but the numbers are just kind of flying all  
 3501 around the place as to what this will cost. That's part of the concern for me; is  
 3502 there's a low level of certainty as to how much it will all cost and how it will be  
 3503 achieved.

3504

3505 I guess our concerns with the affordability (and again apologies if some of this  
 3506 is covered by Mr Walker) but that figure doesn't include a few things. First of  
 3507 all that's on top of the BAU rates increases that Council is already putting up  
 3508 predominantly to invest in Three Waters Infrastructure. Hutt City for instance  
 3509 the 2024/25 rates increase was 16.9 percent. That's quite significant as a baseline  
 3510 increase in rates and something the community does bawlk at, and these figures  
 3511 we're talking about are on top of that I believe.

3512

3513 Further, those numbers are likely to be an underestimate because they're based  
 3514 on Council infrastructure. I know this has been discussed in this hearing this  
 3515 week, but there is a significant amount of infrastructure that sits in private  
 3516 property – for instance in residential areas and private soil laterals. I'm not sure  
 3517 those numbers take into account those figures.

3518

3519 But more than the money, I guess if money was no object, we're also concerned  
 3520 about the capacity we have to deliver these changes. Mr Walker's evidence  
 3521 mentions I believe we need a 162 percent increase in the capacity of the civil  
 3522 construction sector to deliver this. I appreciate it's not like we're starting today,  
 3523 and councils are investing a lot in upgrades, but there's the time factor. The time  
 3524 factor is a huge one in addition to those costs.

3525

3526 Sorry, I'm not really sure if I answered your question. Hearing those numbers  
 3527 doesn't necessarily make me change my position as the relief sought.

3528

3529 Chair: You talked about the low level of certainty and yes there definitely has been lots  
 3530 of very large numbers discussed. The community who are wanting these  
 3531 improvements to water quality and mahinga kai and all the other values, what  
 3532 certainty do they have that if the timeframes are pushed out, as Hutt City is  
 3533 seeking, that we'll get closer to that point and then there'll be a further request  
 3534 to push things out. What certainty is there that their network upgrades and all  
 3535 the other changes will be delivered by that point?

[00.40.03]

McDonnell: I understand the argument. It's expressed in the s42A report that it's better to have something shoot for the stars and land on the moon. My professional opinion, just reading the evidence that Greater Wellington has provided, I can't see how it's achievable or affordable by 2040 – these E.coli targets in particular.

I made the point earlier when I opened that [nil audio – 30.49] interim measure or some kind of upgrade that might get you further down the road, but it might not be consentable under such an ambitious target and therefore it might happen.

I have anecdotally heard of examples of that occurring. It might be worth following up with Wellington Water on that, if they can point out some examples to that. I definitely see it as a risk.

Johnstone: Can I make a brief comment and it is very brief? Echoing that, in terms of the 2060 target certainty I understand what you're saying, but the main thing is it gives Hutt City Council more time to plan for that and to resource it. I think to be honest the 2060 target gives more certainty in some respects than the 2040 target because of the achievability. It gives the councils a change to achieve that.

The issue about the new water entity being set up is also a relevant consideration in the mix at the current time.

McGarry: You had a representative on the Whaitua Process throughout – yes? Were these concerns about the timeframe raised through that? How did we come to a timeframe that was agreed and now you seem to be stepping away from that position.

McDonnell: Tim might be able to answer this. I am not sure myself of the membership of this particular Whaitua. Was it as an observer or was it a member?

Johnstone: Apologies. I wasn't directly involved. It happened before I arrived at Hutt City Council. I know we're involved. I don't want to dismiss the fact that we support this, however again the issue comes back to what is deliverable and affordable, and as I said we did support the notified version or the recommendations before the plan was notified for the 2060 target.

McDonnell: Maybe I'm more familiar with the Porirua and Kapiti processes where the Territorial Authorities there is expert observers rather than members of the committee. I'm not sure what the process was either for Hutt City Council formally receiving the report or endorsing it in any way. I haven't heard that it was received and endorsed or adopted by Council.

Johnstone: We've supported the work [43.34] part of it, but we are still subject to delivering it and that's where we are now.

McGarry: You heard Taranaki Whānau before saying that all the people were around the table and this was put forward by a collective group working together. What they didn't have is the economic evidence at that time, which we now have from Mr Walker. The officers have taken that into account.

3587 I don't see the approach as shooting for the stars and getting the moon. What the  
 3588 officer is saying is, if we move that date we'll continue to kick the can down the  
 3589 road without any progress. So she's moved I would say quite a long way, in fact  
 3590 to upset Taranaki Whānau now, because it looks like stepping away from what  
 3591 was in agreement, but actually what she's saying is by taking this standard and  
 3592 not the timeframe that will mean you'll have to do something towards that by  
 3593 2040.

3594

3595 It doesn't seem that they're shooting for the moon; it seems that she's saying,  
 3596 "We need an approach where we can't kick the can any longer."  
 3597

3598 McDonnell: Sorry, I'm not sure I follow. The version of the provisions I've seen, currently  
 3599 recommended, is aiming for a 2060 limit with a lower target attribute state than  
 3600 what was notified.

3601 [00.45.05]

3602 McGarry: I think in terms of E.coli and what's going to affect you, from the evidence I've  
 3603 picked up, as far as Hutt is affected there is one of those isn't it, that's got now  
 3604 a 50 percent. Is that correct?  
 3605

3606 I'm looking at the coastal enterococci objectives and thinking about the Hutt  
 3607 River flowing in. One of those is that isn't it? No?  
 3608

3609 O'Callahan: Just to clarify, I think what you're talking about is WH.10, the interim target  
 3610 objective which has been recommended in the rebuttal.  
 3611

3612 McGarry: That's been a compromise already on not the timeframe but putting an interim  
 3613 target in. I'm just not sure that you've done the work to tell us exactly, because  
 3614 it seems to be you're still talking at a very high level. You started off that you  
 3615 listened in, but there was quite a bit about at the Melling Bridge site, and there  
 3616 it is at 2060 now. You're aware of that timeframe?  
 3617

3618 McDonnell: Yes.  
 3619

3620 McGarry: Some of the evidence we've heard seems to be that that's a wastewater treatment  
 3621 plant above that site. Is that correct?  
 3622

3623 McDonnell: As I mentioned earlier, that's the relief that we sought and that's what the  
 3624 officers are recommending, is a 2060 timeframe for Te Awa Kairangi at Melling  
 3625 Bridge.  
 3626

3627 In terms of not having done the work, as I mentioned at the start we are relying  
 3628 on Greater Wellington's economic and scientific evidence. With regard to that  
 3629 site in particular, unless the position is starting to change, Dr Greer's evidence,  
 3630 the scientific evidence said there was uncertainty with regard to what methods  
 3631 could be applied to achieve primary contact limits for that site – the Melling site  
 3632 and Te Awa Kairangi.  
 3633

3634 It is difficult to support a limit where there's no methodology proposed to  
 3635 achieve it. So, basically we've taken all of the economic and scientific evidence  
 3636 that's been provided and taken that at face-value. That's at least my professional  
 3637 view: is that if you want to set an objective it needs to be achievable and it is not  
 3638 achievable not just in terms of the money but in terms of all of the work that will

3639 need to go to reform the sector and build construction capacity to achieve these  
 3640 limits by 2040.

3641

3642 Johnstone: One other comment in terms of not making progress – I would like to reiterate  
 3643 that Hutt City Council is investing a lot of money right now to improving its  
 3644 infrastructure. You know there are definite benefits and investment taking place  
 3645 and works taking place that is helping to achieve better water quality. So we are  
 3646 doing as much as we can.

3647

3648 McGarry: I appreciate that. I am pleased you started off acknowledging that there has been  
 3649 under investment, because we have struggled on this side of the table to  
 3650 understand how all of this is attributable to a cost of PC1, when a lot of it seems  
 3651 to be that things just haven't been maintained over time, and capital investment  
 3652 hasn't been made to keep up.

3653

3654 So what comes across in the evidence as upgrades, it's easy to think "We need a  
 3655 new treatment plant. We need to meet better standards," but actually it seems  
 3656 that the drier weather [nil audio – 49.19] certain sites. I just bring Melling Bridge  
 3657 up as an example, where upstream there's a wastewater treatment plant, or  
 3658 there's wastewater discharges that obviously are leaking during drier weather.

3659

3660 It was suggested yesterday that perhaps 2060 is too far and advanced when these  
 3661 things are known and can be investigated and prioritised.

3662 [00.50.00]

3663 I guess that's why I'm struggling on this side of the table, because it seems like  
 3664 it's just saying, "We've got all these costs and all these things to do," but actually  
 3665 to meet some of these TAS I'm not sure that you have to do everything all at  
 3666 once. Just doing some targeted work could be very beneficial to seeing  
 3667 movement in these TAS.

3668

3669 Johnstone: I think Wellington Water will give you more examples or all the hard  
 3670 information about the level of work and what is required for those targets.

3671

3672 Chair: It's Hutt City that would be directing Wellington Water as to what is required  
 3673 and by when, is that right?

3674

3675 Johnstone: Right now, yes. In the future, probably not, but we don't know. Sorry that sounds  
 3676 quite vague but that is the situation right now.

3677

3678 Wratt: You've said that there's already significant allocation within your long-term  
 3679 plan for upgrading work. Some of that must be taking you towards achieving  
 3680 improvements in the water quality that's in here.

3681

3682 To what extent is that actually taken account of, I guess in essentially telling us  
 3683 that it's impossible to achieve these targets within the 2040 range?

3684

3685 Johnstone: Wellington Water.

3686

3687 McDonnell: My understanding is that the economic evidence factored that in. They factored  
 3688 in all of those costs – business as usual costs. These rate rises we're talking  
 3689 about; the notified limits was a 35 percent rates increase by 2040 on top of BAU.



3690 These are quite significant numbers. That was inclusive of all of the monies  
 3691 being spent on capital works at the moment.

3692 Wratt: Maybe that's a question to go back to Mr Walker as to what extent he's confident  
 3693 that those costs aren't essentially double-counted in existing rate rises and then  
 3694 put on top of them.

3695

3696 McDonnell: These target attribute states, even with the 2060 timeframe, they are still  
 3697 ambitious. If you take that figure earlier, the 13 percent, I think it's 15 percent  
 3698 out to 2060. That's still a significant investment that's going to need to go ahead.

3699

3700 Wratt: Don't debate that there is significant investment needed.

3701

3702 I just come back as well to a comment from our Taranaki Whānui submitter  
 3703 before lunch. His comment was "This has got to be a priority." I've heard you  
 3704 saying it is a priority but you've got other priorities. I guess from this side of the  
 3705 table it feels a little bit like that there's all sorts of reasons why it's too hard. I  
 3706 guess his point was that if you make it a priority then you figure out how to make  
 3707 it happen. I guess I'm just putting that on the table and saying, "Have you got  
 3708 any comment?"

3709

3710 McDonnell: I completely respect what Kara said, talking about mokopuna decisions it is, and  
 3711 if Greater Wellington have produced evidence to show that there is a plan to  
 3712 achieve these E.coli targets in these streams by 2040, you hear things will  
 3713 happen and this is how they're going to be funded and it's affordable, then I  
 3714 would support them. I'm just here to give you my professional view on the limits  
 3715 that are set in the plan and the evidence performing.

3716

3717 Wratt: But, it's not just up to Greater Wellington to come up with that plan. The entities  
 3718 that actually make it happen are the TAs and Wellington Water. You can't just  
 3719 put it back on Greater Wellington and say they've got to come up with a plan.

3720

3721 Thank you.

3722

3723 McDonnell: Sorry, maybe I phrased that wrong. Absolutely the Territorial Authorities,  
 3724 Wellington Water and the ratepayers have a responsibility to invest in  
 3725 infrastructure, to remedy this long-term under investment in infrastructure. I'm  
 3726 not saying that at all. I'm here giving a planning view on the limits, objectives  
 3727 set in the plan and the scientific and economic evidence as to whether they can  
 3728 be achieved by 2040 and how much it will cost.

3729 [00.55.00]

3730 My view at least for the E.coli limits and freshwater streams is 2060 is a more  
 3731 appropriate target based on that evidence.

3732

3733 Johnstone: Just from the Hutt City's point of view, and I don't want to put us above the  
 3734 other councils, but we are strongly committed to investing in our infrastructure  
 3735 with the benefits associated with us, but part of that is making sure that people  
 3736 also have drinking water and water supply and fire-fighting.

3737

3738 I'm repeating what I said. We have a number of priorities at the moment and  
 3739 resilience is huge. We work very closely with our mana whenua partners but  
 3740 there are number of challenges right now.

3741

- 3742 Chair: We are at time, but I am conscious we didn't actually get to the remaining areas  
3743 where you might still differ from Ms O'Callahan's condition.  
3744
- 3745 McDonnell: We covered the big ticket items. The other things I noted you could take the  
3746 statement as read if you like. Just from a planning perspective we still were  
3747 seeking specific changes to objectives and policies – wording changes. I'm  
3748 happy that my statement of evidence can be taken as read on those. I don't have  
3749 anything further to add.  
3750
- 3751 Chair: Thank you very much. Maybe just one more from me. I think Mr McDonnell  
3752 you raised a point about a note in one of the earlier objectives perhaps being  
3753 ultra vires. I think we are going to get some information from counsel for the  
3754 Council on this. They've mentioned that it has been accepted in some cases that  
3755 you can dis-apply an objector from applying to a 104 assessment. We don't have  
3756 that yet, but it is going to come and it will be available when it does.  
3757
- 3758 Given we've heard how quite a few of these objectives are set at that state of the  
3759 environment level and they are not particularly relevant for consent applicants,  
3760 rather these are targets that the Council is going to monitor and report on, has  
3761 your planning evidence on these provisions changed at all?  
3762
- 3763 McDonnell: No, I still think it's quite possibly ultra vires but I will defer to an RMA lawyer  
3764 on that. I did think that there's possibly a better way to reframe and advice note  
3765 to make it rather than saying where it doesn't apply, just make it clear where it  
3766 does apply. If you reframed an advice note as saying this objective is a strategic  
3767 objective and it's intended to apply to say significant resource consent  
3768 applications, that's possibly a way to word it without having to go into the murky  
3769 territory of saying where it doesn't apply.  
3770
- 3771 We do something similar in district plans with strategic objectives. There are  
3772 things that you wouldn't expect. If someone came in for a resource consent for  
3773 a run of the mill daily activity, you don't want them to assess and demonstrate  
3774 that they achieved the strategic objective, but for more significant resource  
3775 consent applications or plan changes you would refer back to the strategic  
3776 objectives.  
3777
- 3778 I think just listening in over the last couple of days I thought there is probably a  
3779 way that you could frame it.  
3780
- 3781 Chair: Even though these are state of the environment reporting obligations for the  
3782 Council, as I understand it, if they are here then that is still going to have a flow-  
3783 through effect into Hutt City Council's long-term plans, and basically it's a work  
3784 programme because it's still placing this requirement to be making the changes  
3785 that are needed to support the region to achieve the TAS.  
3786
- 3787 McDonnell: It's all interconnected. If you have regulations. If you have regulations that set  
3788 standards for water quality and Council is an asset owner of something that  
3789 definitely has an impact on it then what the regulations say informs your level  
3790 of investment into the long-term plan. I guess the mechanism to enforce that is  
3791 the consents for the wastewater network.  
3792
- [01.00.25]

3793 Again it's not necessarily kicking the can down the road. As of the next long-  
 3794 term plan wherever the panel decides to set those limits or what date, the  
 3795 investment will need to start from the next long-term plan. There will have to be  
 3796 some kind of roadmap for how councils will get there if they ever want to get  
 3797 consents for their infrastructure.  
 3798  
 3799 Chair: [Inaudible 01.00.47 – 01.01.20]  
 3800  
 3801 Admin: Apologies Commissioner, could you summarise that question into the  
 3802 microphone.  
 3803  
 3804 Chair: Sorry, that didn't record.  
 3805  
 3806 Just a question around working together. Do you work together with the other  
 3807 TAs, Wellington Water, to assess prioritisation?  
 3808  
 3809 Johnstone: At the moment, probably not as much as we should. Let me explain that a little  
 3810 bit more. Effectively for us in the Hutt we have our priorities that Wellington  
 3811 Water advises on in terms of assets that need fixing or new assets that need to  
 3812 be delivered, whether that's reservoirs or the wastewater treatment plant or  
 3813 fixing pipes. Because that's our funding to fix those Council makes the decision  
 3814 with Wellington Water on where to spend that money. That model will  
 3815 obviously probably be or possibly be changing.  
 3816  
 3817 McDonnell: These are ultimately political decisions I guess for Council elected members to  
 3818 make. They set the long-term plan and the projects that go in it ultimately  
 3819 advised by council officers. They make the decisions. They're elected to make  
 3820 them I guess based on [nil audio 01.02.36] for community. So if investment is  
 3821 prioritised towards one thing, and say freshwater decided to be the most  
 3822 important thing, it would be likely to the detriment of some other council  
 3823 business, or service they provide to the community.  
 3824  
 3825 Chair: Thank you very much. That was probably all we had and we are over time.  
 3826 Thank you. We'll finish with karakia.  
 3827  
 3828 Admin: [Nil audio 01.03.30 – 01.42.12]  
 3829  
 3830  
 3831 [End of Part 3 recording – 01.42.12]  
 3832